

A NOTE ON JOSEPHUS, ANTIQUITIES 15:136

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IN MY RECENT MONOGRAPH entitled *Torah in the Messianic Age and/or the Age to Come*, I sought particularly to examine the question whether Judaism anticipated a New Torah in its ideal future, however conceived. One passage in Josephus, *Antiquities*, 15:136 has been suggested as relevant to this purpose because it contains the idea that "the Law was given through angels, an idea which in Acts 7:53, Gal. 3:19, Heb. 2:2 is associated with the notion that it was to change." (See Morton Smith, *J. B. L.*, Vol. LXXII, September 1953, pp. 192) Strack-Billerbeck cite the passage in their comment on Gal. 3:19 and take it to refer to the mediation of angels, as do also Grundmann in the *Theologisches Wörterbuch* (Ed. Kittel), I, p. 74, and Walter Bauer in his *Wörterbuch*,⁴ 1952, col. 13. It is the first aim of this note to follow up a suggestion made to me by Dr. Ralph Marcus that the passage may not refer to angels but to prophets.

The whole section, *Antiquities* 15:134-137 (the first two lines) is translated by Whiston-Margouliouth¹ as follows:

"(134) And whereas observation of covenants takes place among the bitterest enemies, but among friends is absolutely necessary, this is not observed among these men, who think gain to be the best of all things, let it be by any means whatsoever, and that injustice is no harm, if they may but get money by it: (135) is it therefore a question with you whether the unjust are to be punished or not? When God himself hath declared his mind that so it ought to be, and hath commanded us that we ever should hate injuries and injustice which is not only just but necessary in wars between several nations; (136) for these Arabians have done what both the Greeks and Barbarians own to be an instance of the grossest wickedness, with regard to our ambassadors, which they have beheaded, while the Greeks declare that such ambassadors are sacred and inviolable. And for ourselves we have learned from God the most excellent of our doctrines, and the most holy part of our law by

¹ The works of Flavius Josephus, London, 1906, p. 44.

angels, or ambassadors; for this name brings God to the knowledge of mankind, and is sufficient to reconcile enemies one to another. ¹(137) What wickedness then can be greater than the slaughter of ambassadors, who come to treat about doing what is right? And when such have been their actions, how is it possible they can either live securely in common life, or be successful in war? In my opinion this is impossible."

The pertinent words in Greek are: ἡμῶν δὲ τὰ κάλλιστα τῶν δογμάτων καὶ τὰ ὁσιώτατα τῶν ἐν τοῖς νόμοις δι' ἀγγέλων παρὰ τοῦ θεοῦ μαθόντων. [δι' ἀγγέλλων L: διαγγέλλων W: om. Lat.].

The reading δι' ἀγγέλων is accepted by Whiston who in his translation however placed (or ambassadors) thus in brackets after angels. Margouliouth removed the brackets.

Because of the well attested tradition that the Law was given by angels it is natural to find the idea here in Josephus,² but the following factors *may* justify our finding a reference instead to the prophets as ambassadors of God.

1. The context deals with ambassadors (*presbeis, kêrukes*) between armies or conflicting powers, and ambassadors who were such as could be slain (15:136, 137). A reference to angels who, presumably, could not be slain, would be inappropriate here, but to prophets pertinent; they were human ambassadors from God who might suffer violence and death. It will be recalled that the slaying of prophets was regarded as a peculiarly heinous sin in Israel. (See, e.g., T. H. Robinson, *Prophecy and the Prophets*, p. 45.)

2. In the description of the giving of the Law to Moses on Mt. Sinai in *Antiquities*, 3:75-187 there is no reference to the mediation of angels although the idea, as we saw, was fully established in Jewish tradition. It is true that we do not have Josephus' full treatment of the Law because he had reserved this for another work (*Antiquities*, 3:94 and elsewhere), but even so it is significant that there should be no reference to angels in the section cited. F. J. Foakes Jackson³ does not mention angels in his discussion of the Law in Josephus, he points out that in *Against Apion* 2:164-167 the laws are largely attributed to the wisdom

² For the evidence see Strack-Billerbeck, *Kommentar zum Neuen Testament*, III, p. 554 ff.

³ *Josephus and the Jews*, New York, 1930, pp. 59 ff.

of Moses: they are not, primarily at least, conceived as dictated by God to the legislator: ⁴ the idea of a divine initiative in the giving of the Law, an idea implied in that of the mediation of angels as God's agents, is in the background.

3. A passage in *Against Apion* 1:37, which refers to prophets, suggests that in *Antiquities* 15:136 also the reference may be to them. The whole section is translated by H. S. J. Thackeray as follows:

It therefore naturally, or rather necessarily, follows (seeing that with us it is not open to everybody to write the records, and that there is no discrepancy in what is written; seeing that, on the contrary, the prophets alone had this privilege, obtaining their knowledge of the most remote and ancient history through the inspiration which they owed to God) (*ἀλλὰ μόνων τῶν προφητῶν τὰ μὲν ἀνωτάτα καὶ παλαιότατα κατὰ τὴν ἐπίπνοιαν τὴν ἀπὸ τοῦ θεοῦ μαθόντων*) and committing to writing a clear account of the events of their own time just as they occurred) — it follows, I say, that we do not possess myriads of inconsistent books, conflicting with each other. Our books, those which are justly accredited, are but two and twenty and contain the record of all time.⁵

The context makes it clear that Josephus has confused the function of the priesthood in keeping genealogical registers with that of the prophets in producing their works. This is not surprising in view of the fact, of which we are reminded by Thackeray, "that the historical books of the Old Testament after the Pentateuch were included in the second or prophetic writers portion of the Hebrew Canon and attributed to prophetic writers." What is significant for our purpose, however, is that the prophets, whatever their specific function, like the *angeloi* of *Antiquities*, 15:136 are said to have learnt from God what they gave to men. The phrase *κατὰ τὴν ἐπίπνοιαν τὴν ἀπὸ τοῦ θεοῦ μαθόντων* is reminiscent of *δι' ἀγγέλων παρὰ τοῦ θεοῦ μαθόντων* in 15:136. In itself this parallel, which was pointed out to me by Dr. Ralph Marcus, cannot be regarded as weighty but it does serve to add force to other factors which we are considering.

4. In the rest of his work Josephus shows no speculative interest in angelology and sometimes seems eager to rationalize or interpret the term *angelos* (angel), perhaps in order to make it

⁴ Op. cit., p. 30, Section 1.

⁵ The Loeb Classical Library, Josephus, Vol. 1, pp. 177 f.

more acceptable to his Greek readers, e.g. in *Antiquities* 4:108 he once calls the divine angel who meets Bileam *theion pneuma*. As has been pointed out by Grundmann, Josephus refers to the Essene interest in angelology as if it were a peculiarity of theirs — a fact which is significant for his own interests.⁶ Kittel also pointed out that Josephus,⁷ under the influence of rationalism, sometimes avoids the use of the term *angelos*, where the M. T. has the corresponding *mal'ak*, and prefers *phantasma*. (See *Antiquities* 5:213.) In 5:277 also the *angelos* is referred to as a *phantasma*. In the M. T. in Judges 6:11 we have *mal'ak Yahweh*, in the LXX *angelos kuriou*: Josephus writes of *phantasmatos neaniskou*. (Kittel also refers to *Antiquities*, 1:331, but this is not strictly relevant to our purpose because in the M. T. in Gen. 32:22f. *mal'ak* does not occur, but simply *'ish* in Gen. 32:25, and in the LXX *anthrôpos*: Josephus gives *phantasma*: so too *The Jewish War*, 5:381, to which Kittel also refers, is not directly relevant here. Neither the M. T. nor the LXX refer to angels in Gen. 12:10–20 so that Josephus' reference to phantoms in the night here has no exact reference to angels.)

5. The term *angelos* is used sometimes in the LXX to refer to prophets and priests. Thus Haggai in the book of that name 1:12 is referred to as *nabi'* and in 1:13 as a *mal'ak*, which is rendered in the LXX by *angelos*. So in Is. 44:26 the plural *mal'akaiw* is rendered by *tôn angelôn autou*, where the preceding reference to *pais* makes the reference to prophets certain. In 2 Chron. 36:15: "and the Lord, the God of their fathers, sent to them by his messengers (M. T. *b'iad mal'akaiw*) rising up early and sending; because he had compassion on his people and on his dwelling place: (16) but they mocked the messengers of God (M. T. *b'mal'akai hâelohîm*), and despised his words, and scoffed at his prophets (*b'en'bi'aiw . . .*)."⁸ The LXX renders 36:15 thus: καὶ ἐξαπέστειλεν κύριος ὁ θεὸς τῶν πατέρων αὐτῶν ἐν χειρὶ προφητῶν ὀρθρίζων καὶ ἀποστέλλων τοὺς ἀγγέλους αὐτοῦ. . . . (The phrase "rising up early and sending" is associated with God's sending of the prophets in *Jerm.* 29:19, 35:14 f., 26:5.)

⁶ Op. cit., *ibid.*

⁷ *The Jewish War*, 2:142. Here again the *onomata angelôn* may be ambiguous; do they refer to the messengers or agents by which the books mentioned previously were transmitted? More probably in view of Essene angelology they refer to the names of angels. See *Theologisches Wörterbuch*, I, pp. 74 f.

These prophets in 2 Chron. 36:15 are referred to in the LXX as *angelous*. [B omits *prophêtôn* here. It may well be that B regards the reference to *angelous* as sufficient to indicate prophets.] In Malachi 2:1 the term *angelos kuriou* refers to a priest. In the same way in the N. T. Isaiah 40:3 is applied to John the Baptist (Matt. 11:10, Mark 1:2, Luke 7:27): i.e., John is the *angelos* of God! He is interpreted in the N. T. as the prophet Elijah. Here again the term *angelos* probably means a prophet.⁸

The above five considerations make it reasonable to assert that in Antiquities 15:136 the reference *may* be to prophets.

But, in the second place, even if we prefer to translate *angeloi* here by "angels," is the idea of any change in the Law then implied in the passage? It is unlikely. Josephus specifically asserts that it is "the most excellent of our doctrines and the most holy part of our law" that came by angels: they are said to "bring God to the knowledge of mankind." The idea of any necessity for changing the Law in the future is entirely alien to the context. As Kittel⁹ pointed out, in the Jewish tradition the mediation of angels in the giving of the Law serves to emphasize the importance of the Law. Only in two places in the N. T., in Gal. 3:19, Heb. 2:2, does this mediation imply any inferiority and is therefore associated with the notion that it was to change, and this is a specifically Christian development. Morton Smith takes Acts 7:53 in this sense but in fact like Acts 7:38 it emphasizes the exact opposite. In the latter, Stephen's meaning is that the Moses with whom even an angel spake at Sinai was rejected by Israel, and in 7:53 that, although Israel had received the Law as it was ordained by angels—a great privilege—it had been nevertheless disobedient.¹⁰ What we have here is the persistence among Christians of what was primarily a Jewish attitude to mediation by angels, an attitude which Paul and Hebrews rejected.

The upshot of all this is, perhaps, what we should expect.

⁸ The ambiguity of the meaning of *angelos* emerges in the translation of Gal. 4:14 and 1 Tim. 3:16. (See E. DeWitt Burton, I. C. C., Galatians 1920, pp. 242-3 and C. Spicq, Les Épîtres Pastorales, Paris, 1947, p. 107), though in both cases most scholars prefer to render it by angels. Moulton and Milligan point out that the meaning "angel" is the older signification of the term in Homer. See the Vocabulary of the Greek N. T., London, 1930.

⁹ Op. cit., p. 82.

¹⁰ Cf. F. F. Bruce, The Acts of the Apostles,² London, 1952, p. 177.

Josephus was not given to Messianic speculation for reasons easy to understand (see Foakes Jackson, *op. cit.*, pp. 85, 90), nor was he himself particularly addicted to the observance of the Law, although he could appreciate the frequent nobility and courage of those who were. It is not surprising therefore that his teaching on the Law offers nothing that is noteworthy in any search as to the presence or absence of the expectation of a change or changes in the Law or of a New Torah in the future in Judaism. He shared the view predominant in the Judaism of his day that the Law was eternally valid. It is enough to refer to Against Apion 2:277: "robbed though we be of wealth, of cities, of all good things our Law at least remains immortal (*athanatos diamenei*)."¹¹ Moreover, there is little reason to doubt that in this matter Philo of Alexandria, although of a very different temper, is like Josephus: he too accepts the eternity of the Law; we cannot enlarge further on this here, but for Philo in the Messianic Age "each nation would abandon its peculiar ways and throwing overboard their ancestral customs, turn to honouring our laws alone. For, when the brightness of their shining is accompanied by natural prosperity, it will darken the light of the others as the risen sun darkens the stars" (Moses 11:44. F. H. Colson's translation in the Loeb Classical Library). Into the exact *significance* of this for Philo, however, we cannot enter here.¹¹

¹¹ Some passages suggest that after the close of the New Testament period efforts were made in some quarters to belittle the role of the angels on Mt. Sinai. In Deut. R. 7:9 Yahweh refused to give the Torah to the ministering angels though they coveted it. In Deut. R. 8:2 the ministering angels eagerly desired the Torah, it is claimed, but it was too abstruse for them. According to other passages Moses had, metaphorically, to wrestle with the angels on Mt. Sinai: they pleaded that man was unworthy of the Torah, and wanted it for themselves. (See Exod. R. 28:1; Shabb. 88b.). In Song of Songs R. 1:2 R. Johanan's view that angels mediated between Yahweh and the Israelites at Sinai is expressly set over against that of the Rabbis who insisted that it was each commandment itself which went in turn to each of the Israelites not an angel mediating a commandment. It will be recalled that in a passage near to the first two cited above, i.e., Deut. R. 8:6 there is probably anti-Christian polemic (See Torah in the Messianic Age and/or The Age to Come, pp. 87 f.). It is possible that a similar polemic emerges in the tendency revealed in the passages cited to make it clear that the angels did not receive the Law from Yahweh. Judaism would be anxious to counteract the Christian notion that the Law because it was mediated by angels was an inferior revelation. Perhaps it is further not wholly irrelevant to point out that all the prophets and all the sages could be conceived as having received their messages, whether in the form of prophecy or of wisdom, directly from God at Sinai (See Exod. R. 28:6).

SACRAMENTUM DANS LES PLUS ANCIENS TEXTES CHRÉTIENS

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IL POURRAIT SEMBLER SUPERFLU de dire que je n'ai pas la prétention d'éliminer par ces lignes les mystères qui enveloppent *μυστήριον* et *sacramentum*, deux termes hérissés de difficultés et dont l'évolution sémasiologique est loin d'être claire. Je voudrais présenter seulement quelques remarques qui sont le fruit d'études sur le grec et le latin des chrétiens et qui pourraient contribuer à la solution du problème de l'équivalence de *μυστήριον* — *sacramentum*. Or, ces études nous révèlent de plus en plus des tendances générales, voire des règles, d'après lesquelles les deux grandes langues de l'antiquité classique ont évolué sous l'influence exercée par le Christianisme. Sans entrer dans le détail je voudrais donner quelques suggestions d'ordre général, inspirées par l'étude des procédés qui déterminent l'établissement du vocabulaire technique du grec et du latin des chrétiens.

En ce qui concerne le grec *μυστήριον*, je dois me borner ici à quelques observations indispensables à l'étude des premières phases de *sacramentum* dans le latin des chrétiens. Il apparaît toujours plus clairement que l'évolution la plus ancienne de *μυστήριον* dans le grec des chrétiens, et notamment chez saint Paul, ne devrait pas être séparée de l'usage des Septante, lequel remonte à son tour à celui de la langue courante et commune, et non pas — à mon avis — à un usage technique des mystères païens. D'autre part le grec des chrétiens, dans son évolution ultérieure, tend à se rapprocher de la terminologie des mystères, rapprochement qui, dans sa première phase, notamment chez Clément d'Alexandrie, est d'un caractère plutôt littéraire, mais qui se généralise peu à peu.¹ Dans les premiers textes chrétiens

¹ Voir Bornkamm chez Kittel, *Theologisches Wörterbuch zum neuen Testament*, vol. 4, p. 809 ss.; D. Deden, *Le mystère paulinien*, Eph. theol. lov. 13, 1936, p. 403 ss.; A. D. Nock, *Hellenistic Mysteries and Christian Sacraments*, *Proceedings of the Seventh Congress for the History of Religions*, Amsterdam, 1951, p. 53 ss.; id.

grecs originaires d'Occident, le mot *μυστήριον* est rare: il ne se trouve ni dans l'Épître de saint Clément, ni dans le Pasteur d'Hermas. Il est d'autant plus étonnant de voir que chez Tertullien nous trouvons *sacramentum*, évidemment comme équivalent latin de *μυστήριον*, employé très fréquemment et avec un sens riche et nuancé. En même temps nous constatons dans la version africaine la plus ancienne de la Bible l'usage à peu près constant de *sacramentum* comme équivalent de *μυστήριον*.

Je n'examinerai pas ici les différentes explications qu'on s'est efforcé de donner de l'équivalence *sacramentum* — *μυστήριον* et qui presque toutes supposent une évolution sémasiologique latine plus ou moins indépendante du grec. J'avoue qu'aucune de ces explications ne me semble satisfaisante: quand on les examine dans le cadre de nos connaissances actuelles de l'évolution du latin des chrétiens, chacune des explications proposées donne lieu à des objections sérieuses.² Notons encore que l'usage à peu près exclusif de *sacramentum* au sens de *μυστήριον*, tel que nous le signalons chez Tertullien et dans la version africaine de la Bible, ne se maintient pas dans la latinité chrétienne.³

Je crois que nous pouvons considérer comme un fait établi une relation originelle *μυστήριον* — *sacramentum*, ce qui n'exclut pas une évolution ultérieure plus ou moins indépendante du mot latin. *Μυστήριον* se range parmi les nombreux termes techniques du Christianisme importés en Occident avec la doctrine chrétienne même, et il faut donc étudier l'évolution du mot dans le cadre général de l'évolution linguistique qui se produit dans les

Mnemosyne, Ser. IV, vol. 5, 1952, p. 177 ss.; pour la théorie de Dom Odo Casel selon laquelle la langue de saint Paul aurait été profondément influencée par la langue des mystères, je renvoie au dernier article, postume, de Casel: *Zur Kultsprache des hl. Paulus*, Arch. f. Liturgiewiss. 1, 1950, p. 1 ss., où l'on trouve les références aux autres publications de Casel sur ce sujet. J'espère discuter ailleurs la thèse soutenue dans cet article.

² Voir entre autres: A. Harnack, *Militia Christi*, Tübingen, 1905, p. 33 ss.; H. Lietzmann, *Festschrift Hauck*, Leipzig, 1916, p. 34 ss.; id., *Rhein. Mus.*, 1916, p. 282 ss.; H. von Soden, *Zeitschr. f. d. neut. Wissensch.* 12, 1911, p. 188 ss.; J. De Ghellinck, E. De Backer, J. Poukens, G. Lebacqz, *Pour l'histoire du mot "Sacramentum,"* I, Les Anténicéens, Louvain-Paris, 1924 (*Spicilegium sacr. Lovaniense*, 3); R. Reitzenstein, *Die hellenistischen Mysterienreligionen*³, Leipzig, 1927, p. 192 ss.; Odo Casel, *Theol. Rev.* 24, 1925, c. 41 ss.; id., *Jahrb. f. Liturgiewiss.* 8, 1928, p. 225 ss.; Matti A. Sainio, *Semasiologische Untersuchungen über die Entstehung der christlichen Latinität*, Helsinki, 1940, p. 75 ss.

³ Voir p. 151-152 de cet article.

communautés chrétiennes au cours du processus de latinisation. La notion comme telle est fournie par le grec, par la voie de la prédication orale et de la Bible, mais cette notion — et c'est là ce qui rend si difficile l'étude de tout ce problème — était loin d'être fixée, elle était sujette à une évolution constante, qui se reflète sans doute dans la langue. La latinisation, c'est-à-dire l'interprétation latine d'une notion originellement formulée en grec, peut avoir lieu de bien des manières. Elle s'accomplit parfois dans la langue courante des communautés, parfois aussi ce sont les traducteurs de la Bible qui donnent aux mots bibliques des équivalents latins, lesquels sont adoptés par la communauté. Il s'exerce ainsi constamment, d'un groupe à l'autre, une action réciproque.

Plusieurs savants ont déjà fait observer que le *sacramentum* chrétien n'est sûrement pas une création de Tertullien, mais que celui-ci a puisé dans un usage courant.⁴ Toutefois la haute fréquence du mot *sacramentum* dans les oeuvres de Tertullien devrait bien être expliquée par une certaine prédilection personnelle.

Le processus de la latinisation s'est déroulé, dans les communautés chrétiennes, selon des règles bien établies. Une de ces règles est la suivante: les idées abstraites sont traduites par des mots latins, les choses concrètes — dans le sens le plus large du mot — sont désignées par les mots grecs mêmes qui les ont introduites en Occident. Les nombreux emprunts, surtout du grec, qui marquent le latin des chrétiens, désignent presque exclusivement des choses et des rites concrets. Or, *μυστήριον* était, du moins au commencement, une notion abstraite, ce qui explique qu'on ait cherché pour le traduire un mot latin. On observera, il est vrai, que *mysteria* et *mysterium* existaient déjà depuis longtemps en latin et qu'ils devaient avoir perdu, pour les Latins, tout caractère exotique. *Mysteria* désignait les mystères païens, *mysterium* était un mot de la langue commune ayant un sens profane et général: secret, mystère. Mais c'est précisément là encore une autre raison pour laquelle on a préféré un mot latin: *mysteria* évoquait les mystères païens. Or, la tendance à exclure

⁴ Cette idée a été dernièrement mise en évidence par Adolf Kolping, *Sacramentum Tertullianum*, Münster, 1948.

les mots qui étaient d'une manière ou d'une autre en relation avec les cultes païens contemporains, surtout avec les cultes orientaux, se manifeste en Occident d'une manière très rigoureuse au cours des premiers siècles chrétiens.⁵ Ce fait incontestable est en contradiction avec la thèse de Dom Casel qui pose en principe l'adoption de plusieurs termes des religions à mystères par les chrétiens. Je ne parle pas ici de certaines analogies théologiques, je constate un fait purement linguistique: la tendance à l'exclusion domine vraiment l'évolution du latin des chrétiens au cours des premiers siècles. Elle est à la base de maint néologisme, elle a banni non seulement *mysteria*, mais aussi ses équivalents latins: *sacra*, *arcana*, *initia*. Il y a lieu de faire observer ici, entre parenthèses, que les Romains ont eu beaucoup de difficulté à trouver un équivalent latin de *μυστήρια*, "mystères (païens)." *Sacra* met en évidence l'élément sacré et sacramentel, *arcana* l'élément de mystère, *initia* l'initiation, mais on n'a pas réussi à trouver un seul mot qui, comme le grec *μυστήρια*, réunît toutes ces notions. Quant à *mysterium*, au singulier, usuel depuis longtemps dans le latin courant, il semble n'être pas tout à fait exclu de l'idiome chrétien le plus ancien, mais l'existence de *mysteria* a mis un obstacle, au début, à sa diffusion.

Les chrétiens qui cherchaient un équivalent latin de *μυστήριον* ont donc refusé *mysteria*, *sacra*, *arcana*, *initia* et ils ont adopté *sacramentum*. Ce mot se distingue pour eux clairement de *mysteria*, comme il appert par exemple des paroles de Tertullien, De praescr. 40: *qui ipsas quoque res sacramentorum divinorum idolorum mysteriis aemulatur*. Tertullien oppose nettement les *sacramenta divina* aux *idolorum mysteria*.

Ce que j'ai décrit jusqu'ici est entièrement conforme à l'évolution normale du latin des chrétiens telle qu'elle se dessine à nos yeux. Les difficultés commencent quand nous posons la question de savoir pourquoi *sacramentum* a été adopté comme équivalent de *μυστήριον*.

Pour y donner une réponse, il faut d'abord définir le sens exact de *sacramentum* dans le latin profane. En effet, il devient de plus en plus clair que l'évolution sémasiologique des mots chrétiens

⁵ Voir p. ex. Mohrmann, *Latin vulgaire. Latin des chrétiens*, Paris, 1952, p. 30 ss.

prend comme point de départ l'usage de la langue profane — c'est-à-dire de la langue commune et non pas des langues spécialisées — dont tel ou tel mot s'adapte, par la voie d'un processus de spécialisation, aux idées chrétiennes. *Sacramentum* est un mot assez compliqué, aussi bien quant à son étymologie que par son évolution sémasiologique, qui est décrite d'une manière très insuffisante dans nos dictionnaires. A. Meillet s'est efforcé de montrer — et son explication me semble très probable — que *sacer*, *sacramentum*, *sancio*, etc., doivent être rapprochés du grec ἅγιος, ἅγνος, ἄζομαι. Le sens propre de ἄζομαι est: "j'ai pour une chose religieuse le respect qu'il faut," comme il se voit encore par l'usage homérique, par exemple: χερσὶ δ'ἀνίπτοισιν Δὺ λείβειν αἶθοπα οἶνον ἄζομαι (Z 266s.). Ce sens a pris dans le latin une nuance juridique — trait caractéristique des conceptions religieuses romaines. Le sens de lat. *sancio* est, comme Meillet le formule: "je donne la garantie religieuse à quelque chose" et le savant linguiste poursuit: "les sens de tous les mots italiques de ce groupe, qui sont nombreux, se rattachent à ce sens fondamental." ⁶ Dans les mots de ce groupe prédomine tantôt l'élément religieux (*sacer*), tantôt l'élément juridique (*sancio*). Le sens double est conservé de la manière la plus parfaite dans *sacramentum* et c'est cette combinaison qui déterminera l'évolution sémasiologique du mot. Ni le sens de "serment," ni celui de "*devotio*" n'est primaire: l'usage du latin profane est défini par le sens primaire d'un "engagement religieux." Cette idée fondamentale peut se développer de diverses manières:

1. engagement religieux → admission, par la voie de cet engagement, dans une communauté religieuse
→ initiation.
2. engagement religieux → l'acte de l'engagement juridique et sacré à la fois → serment d'initiation.
3. engagement religieux → lien sacré et juridique → lien, union sacrée.

Les évolutions 1. et 2. se réduisent probablement à un seul schéma: initiation. J'estime, avec Doelger,⁷ que le sens de "serment" est

⁶ Bull. de la Soc. de Ling. 21, 1919, p. 126 s.

⁷ Ant. u. Christent. 2, 1930, p. 268 ss.

secondaire et qu'il faut prendre comme point de départ le sens de "initiation confirmée par un serment," comme il ressort des textes suivants: Tite-Live 39, 15, 3: *hoc sacramento initiatos iuvenes milites faciendos censetis*; ib. 10, 38, 2: *et deorum etiam adhibuerant opes ritu quodam sacramenti vetusto velut initiatis militibus*; Apulée, Met. 11, 15 (d'après Helm): *quo tamen tutior sis atque munitior, da nomen sanctae huic militiae cuius non olim sacramento rogabaris teque iam nunc obsequio religionis nostrae dedica et ministerii iugum subi voluntarium*. — *Sacramentum* est devenu surtout usuel pour l'initiation au service militaire et il peut désigner le service militaire même. Toutefois le sens d'initiation ne s'est jamais affaibli, comme il appert d'un texte aussi tardif que les Acta s. Maximiliani du troisième siècle, où l'on lit, 3: *Maximilianus eo quod indevoto animo sacramentum militiae recusaverit, gladio animadverti placuit*.⁸ On pourrait citer ici aussi la tournure de Tertullien: *sacramentum infanticidii*, Apol. 7, 1, "l'initiation par l'égorgement d'un petit enfant."⁹ Ce qui est essentiel, c'est l'élément sacré combiné avec un sens juridique. Cet élément sacré n'est pas, comme Casel le soutient, un élément afférent aux mystères, même pas dans le fameux passage des Métamorphoses d'Apulée. C'est probablement la nuance juridique qui a empêché le mot de devenir un terme technique de la langue des mystères. Ainsi *sacramentum* se distingue de *iusiurandum* par la présence de l'élément sacré, d'autre part de *initiatio* par la présence d'un élément juridique et légal.

La troisième évolution sémasiologique, "lien sacré et juridique," qu'on a presque toujours négligée, n'est, comme les précédentes, pas dénuée d'importance dans le cadre de l'évolution chrétienne du mot. Je cite, ici encore, quelques cas caractéristiques: Paulus Festus 55 s., 22: *extrarius ab extraneo sic distinguitur: extrarius est qui extra focum sacramentum iusque sit, extraneus ex altera terra, quasi exterraneus*; Pétrone, Sat. 80: *ego mori debeo qui amicitiae sacramentum delevi*; Quintilien, Decl. 357, 25: *accessisse novum amoris suo sacramentum, et iudicio patris auctum*

⁸ Doelger, ib. p. 271, fait à propos de ce passage l'observation exacte: "sacramentum militiae, was hier natürlich nicht mit Militäreid, sondern mit Militärweihe zu übersetzen ist."

⁹ Voir Doelger Ant. u. Christent. 4, 1934, p. 188 ss.

iuvenis adfectum; Apulée, Met. 3, 26: *atque ego rebar, si quod inesset mutis animalibus tacitum ac naturale sacramentum, agnitione ac miseratione quadam inductum equum illum meum hospitium . . . mihi praebiturum*. On pourrait citer aussi Lactance, Epit. 61: *qui habet coniugem nihil quaerat extrinsecus, sed contentus ea sola casti et inviolabilis cubilis sacramenta custodiat*.

L'élément du sacré qui a persisté dans *sacramentum* et qui est appuyé par l'existence de l'adjectif *sacer* et du verbe *sacrare* — mots qui avaient particulièrement hérité le sens sacral inhérent à tout ce groupe de mots¹⁰ — pouvait se renforcer avec le temps par suite d'un fait d'ordre morphologique, à savoir par l'affaiblissement du sens concret du suffixe *-mentum*, devenu, dans le latin tardif, un simple suffixe nominal dénué de sens précis. Ces formations en *-mentum*, privilégiées par la langue vulgaire, abondent dans les anciennes versions de la Bible où elles figurent très souvent comme équivalents latins de substantifs neutres grecs. Je cite à titre d'exemple: *abominamentum* (βδέλυγμα), *assumentum* (ἐπίβλημα), *cooperimentum* (περιβόλαιον), *devotamentum* (ἀνάθεμα), *exsecramentum* (ἐνόρκιον), *solidamentum* (στερέωμα), *iuramentum* (ὄρκος, ὄρκιον). On trouve ces formations en *-mentum* à côté de substantifs traditionnels avec d'autres suffixes nominaux, comme par exemple *coronamentum*, à côté de *corona*, *odorama* côte à côte de *odores*. Vu cet affaiblissement du sens de *-mentum* on doit tenir compte de l'existence — dans le latin chrétien le plus ancien — d'un *sacramentum* au sens de *sacrum* "chose sacrée, signe sacré." Ce *sacramentum* — *sacrum* était d'autant plus viable que *sacra* fût frappé, comme nous l'avons vu,¹¹ de certaines tendances d'exclusion.

Les différents sens de *sacramentum* une fois établis, la question se pose de savoir de quelle manière ce *sacramentum* a adopté le ou les sens de *μυστήριον*. Ici je n'oserai faire que des suggestions et des propositions. En premier lieu on pense aux traducteurs de la Bible qui se sont trouvés devant la tâche de trouver un équivalent latin du *μυστήριον* biblique. On pourrait faire

¹⁰ *Sacramentum* est devenu aussi un terme technique de la langue du droit, où il a perdu son sens "sacré," en adoptant celui de "caution." Cette évolution n'a pas eu de répercussion dans le latin des chrétiens.

¹¹ Voir p. 143-144 de cet article.

observer que le sens primaire du mot grec se rapproche de celui de *sacramentum* "initiation" et on pourrait donc supposer une transposition étymologique de la part des traducteurs de la Bible. Cette hypothèse me semble très peu probable: les anciens traducteurs étaient de mauvais étymologistes, ou ils ne l'étaient pas du tout. Ce n'est d'ailleurs pas l'étymologie du mot qui est concluante, mais le sens qu'il revêt dans la langue courante et commune au moment où il est adopté par les chrétiens pour devenir un terme technique de leur idiome. Quant à *μυστήριον* ce n'était sûrement pas le sens "initiation" qui s'imposait aux traducteurs latins de la Bible. D'autre part il y avait des points de contact entre *μυστήριον* biblique et *sacramentum*. On pourrait songer par exemple à l'idée de l'union mystique entre le Christ et les fidèles, qui s'exprime parfois dans le *μυστήριον* paulinien (surtout dans l'épître aux Colossiens, 1, 27) et qui se rapproche du *sacramentum* "union sacrée."¹² On pourrait penser aussi au *μυστήριον* des synoptiques dans le logion sur le but des paraboles (Mt. 13, 11; Mc. 4, 11; Lc. 8, 10), où le mystère du règne des cieux (de Dieu) n'est révélé qu'aux âmes bien disposées, aux seuls initiés. Les points de contact bibliques ne manquent pas. Les anciens traducteurs de la Bible étaient des gens qui cherchaient avec une conscience scrupuleuse et non sans intelligence des équivalents latins des mots grecs, mais — cet équivalent une fois trouvé — ils le substituaient mécaniquement au terme grec dans ses sens divers, sans se soucier des différences sémasiologiques: c'est un système qu'on trouve aussi bien chez les traducteurs des LXX, que chez les anciens traducteurs latins: qu'on pense par exemple

¹² Il est remarquable de voir que la Vulgate, après avoir traduit *μυστήριον* par *mysterium* dans 1, 26: *Τὸ μυστήριον τὸ ἀποκεκρυμμένον ἀπὸ τῶν αἰώνων καὶ ἀπὸ τῶν γενεῶν*, le traduit ici par *sacramentum*: *quibus voluit Deus notas facere divitias gloriae sacramenti huius in gentibus, quod est Christus in vobis spes gloriae* (οἷς ἠθέλησεν ὁ θεὸς γνωρίσαι τί τὸ πλοῦτος τῆς δόξης τοῦ μυστηρίου τούτου ἐν τοῖς ἔθνεσιν, ὃ ἐστὶν Χριστὸς ἐν ὑμῖν ἡ ἐλπίς τῆς δόξης). Cf. ce que je dis, à la p. 152, sur la tendance à distinguer entre *mysterium* et *sacramentum*: *mysterium* ayant de préférence un sens abstrait et théologique, *sacramentum* un sens plutôt sacré. — En ce qui concerne le sens de "union sacrée," on pense à l'*unitatis sacramentum* qui se trouve si souvent chez Cyprien, comme par exemple: Ep. 69, 9: *denique quam sit inseparabile unitatis sacramentum . . . declarat . . . scriptura divina*; ib. 59, 2: *copulati sacramento unitatis*; De cath. eccl. un. 7: *unitatis sacramentum, vinculum concordiae*: le chiasme met en évidence le parallélisme de *sacramentum* — *vinculum*.

à ἐξομολογεῖσθαι — *confiteri*,¹³ ou à δόξα — *gloria*.¹⁴ Il faut tenir compte de ce procédé quand on veut expliquer l'usage de *sacramentum* dans les anciennes versions.

Toutefois je dois dire que je vois ici une difficulté: tandis que, dans l'usage biblique la nuance abstraite et théologique prédomine, dans l'Ancien aussi bien que dans le Nouveau Testament (mystère messianique et eschatologique, mystère sotériologique, vérité religieuse cachée et révélée, etc.), le mot *sacramentum* suggère par son étymologie même, qui jamais n'a été effacée, un élément sacramental et liturgique. Nous avons vu que *sacramentum* n'appartient pas aux termes techniques des mystères, mais qu'il suggère, dans ses différentes nuances, non pas en premier lieu un mystère théologique et abstrait, mais plutôt un élément sacramental: initiation, lien sacré, chose sacrée. Je rappelle ici ce que j'ai dit à propos de *sacra* et *arcana* pour les mystères païens: pour les Romains il était difficile d'exprimer par un seul mot le *sacrum* et l'*arcanum*. Cette difficulté se manifeste aussi dans le cas de *sacramentum*. On pourrait dire: dans *sacramentum* est accentué en premier lieu l'élément sacramental: c'est le *sacrum* et non pas l'*arcanum* qui prédomine. Dans le *μυστήριον* biblique l'élément théologique et abstrait est prédominant. C'est cette constatation qui me suggère l'idée que la substitution *μυστήριον* — *sacramentum* ne s'est pas accomplie en premier lieu par la voie des traductions de la Bible, qu'elle n'est pas inspirée en premier lieu par l'usage biblique. Il me semble plus probable qu'elle a eu lieu dans l'usage courant des communautés chrétiennes du deuxième siècle où, au sens biblique de *μυστήριον*, s'associait déjà un sens plus concret et plutôt sacramental. La substitution refléterait donc une phase ultérieure de l'évolution de *μυστήριον*, telle que nous la connaissons par les Apologistes du deuxième siècle chez qui nous apercevons, depuis Justin, les premiers symptômes d'une évolution qui aboutira à l'usage "sacramental" de *μυστήριον*.¹⁵ Cette évolution coïncide chronologiquement avec le processus de latinisation des com-

¹³ Voir *Vigiliae Christianae* 1, 1947, p. 125 ss.

¹⁴ Voir Mohrmann, Note sur *doxa*, *Mélanges Debrunner*, Berne, 1954.

¹⁵ Voir Bornkamm, O. c., p. 831 ss. — Cet auteur met trop l'accent — me semble-t-il — sur l'influence exercée par les mystères païens.

munautés chrétiennes d'Occident et on ne saurait s'étonner de trouver reflétée celle-ci dans l'usage de *sacramentum*.¹⁶

Ce *sacramentum* de la langue courante des communautés chrétiennes, qui était d'une structure sémasiologique assez variée et flottante, aurait donc été adopté par les traducteurs de la Bible qui l'auraient substitué — selon leur système usuel¹⁷ — à *μυστήριον* dans ses sens divers. Et Tertullien emploie également *sacramentum* comme terme universel.

A propos de Tertullien, on pourrait faire l'objection que celui-ci met en évidence une relation entre serment militaire et *sacramentum* chrétien et on pourrait ajouter qu'on ne saurait négliger un témoignage authentique de l'antiquité chrétienne.¹⁸ Mais quiconque se rend compte de la multiplicité et de la richesse du sens de *sacramentum* chez Tertullien devra admettre que ce sens de serment constitue une base bien étroite pour expliquer l'évolution sémasiologique de *sacramentum*, — sans parler des relations avec le grec. En cela je suis tout à fait d'accord avec Dom Casel. Nous avons vu aussi que "serment" n'est ni le sens primaire de *sacramentum*, ni le seul sens usuel dans la langue courante du deuxième siècle. Pour expliquer la contradiction apparente entre le témoignage de Tertullien et les données linguistiques, je dois m'en rapporter, encore une fois, aux résultats des études sur la latinité chrétienne. Celles-ci nous ont appris que les auteurs antiques étaient de très mauvais étymologistes. Ou plutôt, il serait plus juste de dire que nous les comprenons mal en prenant pour une étymologie ce qui n'est qu'artifice littéraire, ou jeu de mots édifiant. Le rapprochement de *sacramentum* chrétien et de "serment militaire," là où il s'agit de la formule baptismale, est un artifice littéraire, destiné à impressionner des gens qui ne s'étaient pas encore détachés des traditions romaines. Tertullien s'est permis des artifices semblables avec *paganus*,¹⁹ avec *statio*,²⁰ etc. et chaque fois il a détourné les savants modernes du droit chemin d'une investigation objective de l'évolution sémasiologique.

¹⁶ Voir Mohrmann, Les origines de la latinité à Rome, *Vigiliae Christianae* 3, 1949, p. 67 ss. et 163 ss.

¹⁷ Voir p. 148-149 de cet article.

¹⁸ Voir *Ad mart.* 3; *De corona* 11; *De idol.* 19; *Scorp.* 4.

¹⁹ Voir *Vigiliae Christianae* 6, 1952, p. 109 ss.

²⁰ Voir *ib.* 7, 1953, p. 221 ss.

Pour terminer, je voudrais faire encore deux observations supplémentaires. En premier lieu: il faut se garder de préciser trop l'usage le plus ancien de *sacramentum* en établissant, dans les notions, un certain nombre de catégories rigides et en donnant à chaque mot et à chaque texte sa place fixe dans un schéma bien établi. Il faut se rendre compte du fait que la langue d'un Tertullien et même celle d'un Cyprien était en plein mouvement . . . comme d'ailleurs les idées, et on ne saurait appliquer à leur terminologie flottante un système rigoureux et scolastique.²¹

Et en second lieu: je me demande si vraiment l'usage de *sacramentum* a été aussi universel que Tertullien et les versions africaines de la Bible les plus anciennes le suggèrent. Tertullien était un vrai puriste et il a exclu de son vocabulaire des mots d'emprunt très usuels dans la langue courante, comme par exemple *baptizare*. Certains indices suggèrent que *mysterium* — qui appartenait à la langue courante depuis Cicéron, qui s'était détaché du sens technique de *mysteria* et qui était à peine considéré comme un emprunt — a toujours pu désigner, dans le latin chrétien, le mystère dans le sens théologique de doctrine, de vérité religieuse cachée et surtout de sens typologique. Ce *mysterium* chrétien semble être très ancien. On le lit déjà dans les *Acta martyrum Scillitanorum* de l'année 180. Le martyr Speratus y dit au proconsul Saturninus, qui l'a exhorté à sacrifier pour les empereurs: *si tranquillas praeberis aures tuas, dico mysterium simplicitatis*. Le mystère, c'est ici aussi bien la doctrine chrétienne en général, qu'une vérité religieuse en particulier. Faut-il expliquer ce texte en disant que Speratus parle ici la langue des païens pour être compris? La solution me semble trop simpliste et très peu probable. La tournure biblique avec l'abstrait au génitif: *simplicitatis* est un indice que nous nous trouvons ici dans le domaine de l'usage chrétien. La réponse du proconsul prouve d'ailleurs que celui-ci n'a pas compris le sens chrétien de *mysterium*. En écoutant ce mot il pense tout de suite aux mystères païens et il répond: *initianti tibi mala de sacris nostris aures non*

²¹ Le P. C. Couturier, qui a entrepris récemment une enquête sur l'emploi du mot *sacramentum* dans l'ensemble de l'oeuvre de s. Augustin (dans: H. Rondat, M. Le Landais, A. Lauras, C. Couturier, *Etudes augustiniennes*, Paris, 1953, p. 161-332) a bien eu raison de faire rentrer tous les textes relevés dans trois catégories seulement, à savoir: rite, symbole, mystère.

praebebo. Les *sacra nostra* sont, selon l'usage courant, les mystères, et le proconsul ne s'attend qu'à des *mala* de la part d'un chrétien s'apprêtant à parler des mystères païens . . . Cet usage dans ce texte ancien n'est d'ailleurs pas un fait isolé. Dans la version européenne de la Bible, *mysterium* n'est pas rare. Dans les Testimonia de Cyprien, 2, 19, *mysterium* est employé pour la typologie biblique: *huius rei mysterium ostensum est apud Iesum Nave*. On le trouve également dans le De Pascha computus, 10, de l'an 243: *hic est Christus Iesus qui secundum carnem Abrahae fuit filius in cuius mysterio centenario patri natus Isaac super humeros suos portavit lignum: ut ex eo demonstraretur et adversarios expugnari et credentes salutem consequi per lignum id est per crucis signum*. Inutile d'attirer l'attention sur le Tractatus mysteriorum de saint Hilaire. Saint Ambroise distinguera, dans son traité De mysteriis 1, 2, entre les *mysteria* qui désignent le sens profond de l'Écriture et les *sacramenta* qui sont les rites sacrés: *nunc de mysteriis dicere tempus admonet atque ipsam rationem sacramentorum edere*.²² Quant à saint Augustin, le P. Couturier, O.c., p. 269 ss., constate qu'en général l'équivalence des termes *mysterium* et *sacramentum* est évidente, mais qu'elle n'est pas complète, *mysterium* étant moins employé au sens rituel, mais plus au sens de mystère. — Mais j'ai voulu me borner aux textes les plus anciens: il est probable que *mysterium* a été employé, dès le commencement, pour désigner la doctrine chrétienne, les vérités religieuses et surtout le sens typologique des Écritures. *Sacramentum* a été le substitut latin universel de *μυστήριον*, mais par suite du sens qui était inhérent à la racine même du mot, sens qui n'a jamais complètement disparu, il était — et il est resté — plus apte à rendre le sens liturgique et sacramentel que le sens purement théologique et abstrait, — raison pour laquelle il n'a jamais pu supplanter complètement *mysterium*. D'autre part ce n'est que lentement et péniblement que *mysteria*, au pluriel, terme technique des mystères païens, prendra possession du terrain sacramentel.

²² Voir Dom Bernard Botte, Ambroise de Milan, Des Sacrements, Des Mystères, Paris, 1949, p. 34 et 108.

FEES AND TAXES IN THE GREEK CULTS

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THE CULTS in ancient Greece, both private and public, had many kinds of income, among which the most primitive were fees and taxes. Fees are remunerations paid for the use of various kinds of cult facilities. Taxes are contributions levied by the cult association or by the state to maintain the cult activities. When the cult becomes self-sufficient by endowments or by subsidies, fees and taxes do not play a great rôle. But in times of financial difficulties the state or the cult authorities levied taxes on all or some persons to meet the emergency. This paper is the result of an effort to collect and study all the information on this subject from our sources both literary and epigraphical.

FEES

Payment of charges for the use of cult facilities could take place in connection with medical treatment, consultation of an oracle, initiation into mysteries, sacrifice, purification, and so on.

Several Greek sanctuaries, dedicated to healing gods and heroes, developed the practice of cures more or less linked with religion. The treatment could be given by the official of the cult or even by physicians. Beside the contribution from the sacrifice offered before or after the cure, the patients paid the fees. In the sanctuary of Amphiaraos in Oropos (IV cent. B.C.) the maximum remuneration was 9 obols.¹ According to the regulations of the cult of Asclepios in Erythrae (III cent. B.C.), beside the sacrifice before and after the incubation, the fee of one or two obols is prescribed.² In the other centers of the cult of Asclepios we see sacrifices prescribed as a charge for the cure.³

Abbreviations. BCH=Bulletin de Correspondance Hellénique; RÉG=Revue des Études Grecques; Syll.³=Dittenberger, Sylloge³; LGS=Prott-Ziehen, Leges Graecorum Sacrae; SEG=Supplementum Epigraphicum Graecum.

¹ Prott-Ziehen, LGS II, 65, 12. Cf. IG XI, 4, 1032, b 7.

² Abh. P.A.W. 1909, p. 97, n. 11, 20 ff.

³ Syll.³ 1007, 15 ff. Cf. Milet I, 7 n. 204.

These seem to be the first recorded charges for the use of treatment.

The consultation of the oracle was usually preceded by or followed by a sacrifice, and the contribution from the offering was originally a consultation charge. But in some places a fee in money was asked too. The statutes of the Labyadae of Delphi mention some contribution from the *prothyōn* and the *promanteuomenos*. These duties charged for the favor of priority were usually paid to the treasury of Bouzyges and Lykeios; later they were collected by the Labyadae themselves.⁴ This income was composed of skins and of entire victims. The covenant between Delphi and Sciathos mentions the offering of a goat as a fee for the consultation of the oracle.⁵ In the oracle of Trophonios of Lebadeia the consultation fee was the offering of a cake or the payment of 10 dr.⁶ Lucian in his dialogue, *Alexandros*, gives us an idea what the income of an oracle could be. The hero of the piece, experienced in matters of divination, collects at first 2 obols for each consultation. Later, having organized a large oracular center, he requires 8 obols. His income amounted to 70,000 or 80,000 dr. a year. A crowd of aides, secretaries, exegetes, and archivists lived with ease on this income.⁷ It was not unusual that in some Greek states the tax was imposed on the magicians and the fortune-tellers.⁸

Initiation into mysteries was also linked with the payment of fees. Athenaeus explains that the term *τελετή* derives from the verb *τελεῖν* which signifies "pay", sc. the initiation charge.⁹ What the amount of the fees was is suggested by the regulations of the Eleusinian cult.¹⁰ We see the following wages paid to various cult officials performing the initiation:

priest of Demeter	1 ob.
hierophantes	1 "

⁴ LGS II 74, D 34 ff. and p. 223-224. Cf. L. Deubner, *Abh. Berl. Ak.* 1948, p. 4.

⁵ BCH 1939, p. 184.

⁶ LGS II, 71.

⁷ *Alexandros* 19, 23.

⁸ Isocrates XIX, 7. *Ps.-Arist., Econ.* II, 3 a.

⁹ *Athen.* II, 40.

¹⁰ LGS II, 3 C, 11-15, 43-44. (*Syll.*² 42). Cf.: B. D. Meritt, *Hesperia*, 1942, p. 295; J. and L. Robert, *RÉG* 1944, p. 197; SEG X, 6; L. Ziehen, *Hermes* 1944, p. 217-219; F. R. Walton, *Harv. Theol. Rev.* 1952, p. 106 ff.

hierokeryx	I "
priest at altar's service	1/2 "
phaidyntes	1/2 "
priest for the purification	1/2 "

The presentation to the mysteries was a right of the members of the Kerykes and Eumolpidai families, who received for their services 5 portions from the sacrifices. With the exception of the children called ἀφ' ἐστίας nobody could be initiated free of charge. The accounts of the treasury of the Eleusinian divinities note as income in 408/7 the following amounts: ¹¹

Great Mysteries	4299 dr. 4 ob.
Little Mysteries	46 "
Lease of land	500 "

For a long time Eleusis enjoyed independence, but under Solon it was forced to accept the control of Athens, after which time a part of its treasury was transferred to the Acropolis.¹²

In the mysteries of Minoa in Amorgos the initiation fee was 1 dr.¹³ The initiation to the mysteries of the Corybantes in Erythrae was composed of the ceremonies called *kreterismos* and *loutron*. The first called for 2 obols, the second for 3 obols, besides the wine and the meat given from the sacrifice.¹⁴ Initiation fees are known in the cult of Dionysos in Miletus where they are collected by the priest and priestess in chief or by their assistants.¹⁵ The statutes of the Andania mysteries bring us other details concerning rates of charge. Two money boxes were placed in the sanctuary, one for voluntary offerings, another for the fees. After the celebration of the mysteries a commission of five took charge of the revenues: the expenses had to be covered; a certain part of the income was earmarked for construction; 6,000 dr. was received by the founder of the cult, Mnasistratos; the rest was taken by the state.¹⁶ In some places the revenue from fees for mysteries must have been important. An inscription from Thebes

¹¹ IG I², 313, III, 144-146.

¹² Cf. F. R. Walton, op. cit., p. 110-115.

¹³ LGS II, 98, 11 ff.

¹⁴ Jahresh. Oest. 1910, p. 29 ff., Beibl.

¹⁵ Abh. Berl. Ak., 1908, p. 22.

¹⁶ LGS II, 46 ff.

mentions the building of a *prothyron* from such income.¹⁷ In Megalopolis the taxes due to the Roman *fiscus* were usually paid out of the revenue from mysteries.¹⁸

The sacrifice is the most common ceremony. Here the fees were paid originally by portions of meat and by the skins from the offered victims. An inscription of Miletus (V cent. B.C.) gives a long list of the portions of meat which the priests received. The charges change accordingly as sacrifices are offered by the state, by citizens or by foreigners.¹⁹ The regulations of the cult of Heracles in Chios (IV cent. B.C.) prescribe certain portions to be given to a priest.²⁰ In Hyllarima the priest who presides over many different cults does not receive more than the victims' skins and the heads.²¹ It seems that the other portions of the victims were received by the officials delegated to the particular cults by the priests in charge. The skins, highly prized in antiquity, were usually taken off by the sacrificers. They paid, for this reason, an additional tax called *dermatikon*. But in other places the priests or the state collected the skins.²² Besides the portions of meat the cash fee appears rather early in the documents. In the cult regulation of the deme of Paiania (V cent. B.C.) the fees are paid in kind and in cash.²³ An inscription of Athens of the fourth century B.C. bears a list of fees to be paid for the material used in the sacrifice and for the service of the priests. So for instance in the cult of Hera the fees are the following:²⁴

remuneration of the priestess	5 dr.
skin to the sanctuary or payment	3 ob.
portion of meat	
grains	3 "
honey	3 "
oil	1 1/2 "
wood	2 "

In the cult of the *orgeones* of Piraeus the fee was 1/2 obol, be-

¹⁷ BCH, 1899, p. 587.

¹⁸ IG V, 2, 516, 15-18.

¹⁹ Syll.³ 1037.

²⁰ LGS II, 113.

²¹ BCH 1934, p. 351 ff.

²² Cf.: BCH 1939, p. 184; LGS II, 82; IG II, 1946.

²³ Ath. Mitt. 1941, p. 172 A, 4, 6, 14, 28, 33.

²⁴ LGS II, 24.

sides the skin and the portions of meat.²⁵ In order better to guarantee the income it was forbidden to sacrifice the so-called *parabomia*, i.e. outside the altar and without the priest's assistance.

In some circumstances it was easier to pay the fee in cash than to give portions of the meat. In the regulation of the cult of Demeter in Cos is given a choice to pay the fee in money or to leave some portion of the victim.²⁶ In Olbia the fees of some cults are fixed as follows:²⁷

beef	1200	obol	or	chalc.
sheep	300	"	"	"
goat	300	"	"	"
others	60	"	"	"

The charges are so high that they seem to be paid not only for the service and for the implements, but for the victims themselves. An epigram of Lindos prescribes the charge of 1 dr. for each sacrifice, the fee to be destined for the reparation and the conservation of the temple of Athena.²⁸ A similar regulation was found in Thasos.²⁹ From each sacrifice offered to the hero Theogenes 1 obol was to be paid for the installation of the ex-voto in the temple.

In some ancient texts the cult fee is called *pelanos*. According to the lexicographers the name signifies a "cake" which was furnished by the sanctuary as an addition to the sacrifice.³⁰ We find this term in regulations concerning oracles, sacrifices and mysteries. The agreement between Delphi and Phaselis fixes a fee of 44 obols for the public and 4 obols for the private sacrifice.³¹ In the agreement between Delphi and Sciathos the fees are the following: 12 obols for the public and 2 obols for the private sacrifice.³² The charge for the skin, called *δερματικόν*, is 2 obols or 1 obol respectively. The cult regulations of the

²⁵ LGS II, 41.

²⁶ LGS II, 132.

²⁷ LGS II, 85 (= Syll.³ 1039).

²⁸ IG XII, 1, 813. Wilhelm, *Eranos* 1948, p. 86.

²⁹ BCH 1940-41, p. 166 ff. Cf. Syll.³: 1015; 982. Arch. Rel. W. 1907, p. 21. Maiuri, *Nuove Silloge*, 441.

³⁰ M. P. Nilsson, *Gesch. Griech. Rel.* II, 73. P. Amandry, *La mantique Apollinienne à Delphes*, Paris 1950, p. 88.

³¹ *Mélanges Nicole*, p. 624.

³² BCH 1939, p. 216.

Salaminiot of Tunion prescribe as a charge εἰς πελανόν ("for the cake") 3 dr., as a remuneration for the priest of Heracles 30 dr. The priest of Eurysaces receives for his service 6 dr., and the charge εἰς πελανόν is 7 dr.³³ The regulation of Epidauros concerning the ceremony of *prothysis* prescribes the following fees: ³⁴

grains	1/2 obol
crown	1/2 "
wood	1/2 "
young victim	1/2 "
full-grown	1 "

The cult charges once fixed by the authorities could not be freely changed and the priests could not demand more than was prescribed. We read in one regulation of Ios: "If the priestess wants more than what is allowed by the law, she shall be punished."³⁵ In Cos the regulation of the cult of Demeter prohibits the priestess from collecting higher fees than those fixed by law.³⁶ The same regulation bound the priests at Axos in Crete.³⁷ On the other hand the law protected the right of the priests to the fees. So in Miletus a decree assured the priestess of Artemis of the *gerē* of cult. Those who refused to give the fees were to be inscribed on the list of public debtors.³⁸ But in some circumstances the amount and nature of the fees charged are changed by authorities. In the cult of Athena Nicephoros in Pergamon an additional fee of skin and meat was prescribed.³⁹ In Thasos, on the contrary, the fees in the cult of Heracles are lowered. So I understand the following regulation: ⁴⁰

οὐδὲ γέρα τέμνεται
οὐδ' ἐνατεύεται
οὐδ' ἀθλῆται

The right to collect fees accruing to the cult could be leased to

³³ Hesperia, 1938, p. 3 ff. l. 29 and 35.

³⁴ BCH 1949, p. 361 ff. RÉG 1951, p. 160, n. 99.

³⁵ LGS II, 102, 6.

³⁶ LGS II, 132, 10.

³⁷ Inscr. Cret. I, Axos, n. 9.

³⁸ Samml. Gr. Dial. Inscr. 5496.

³⁹ Syll.³ 982.

⁴⁰ BCH 1923, p. 243; 1928, p. 193. Cf. M. Launey, Le culte d'Héracles à Thasos, Paris 1946.

the persons who officiated as priests or who were appointed representatives in their place. In the cult regulations of Chalcedon the holder of a lease for various cults pays money to the priests. It seems that he bought the right to the fees in many cults and reimbursed the officiating priests by a salary.⁴¹ We have from Erythrae the list of cults sold by the state whose prices extend from 10 to 4610 dr.⁴² In Priene the position of priest of Poseidon is valued at 6,000 or 12,000 dr.,⁴³ that of Aphrodite in Cos at 19,800 dr.⁴⁴ The rights of collection once leased, the fees could be collected by the holder or by an authorized person. Thus in the cult of Heracles in Chios all desiring to sacrifice should call on the priest. If he does not come, another person can replace him, but the income of the fees is reserved for the replaced priest.⁴⁵ In the cult of Sarapis in Priene it was forbidden to sacrifice without the assistance of the priest on pain of a fine of 1000 dr.⁴⁶ The priestess of Dionysos Thylophoros in Cos is authorized to practice the initiations within the demes. She may, however, appoint another delegated priestess to do the same in her name. Without the authorization of the priestess-in-chief no one was permitted to practice the initiations or, of course, to collect the fees.⁴⁷ In some places, in order to insure the income from the cult it was forbidden to organize another rival center of the same cult. So in Magnesia the state prohibits the building of altars dedicated to Sarapis outside the place allowed by the authorities.⁴⁸ Another measure to assure steady income to a certain cult was the obligation imposed by the state upon certain persons to sacrifice.⁴⁹

TAXES

The taxes are compulsory contributions levied on persons, busi-

⁴¹ Syll.³ 1011.

⁴² Syll.³ 1014. Cf. M. Segre, *Real. Ist. Lombardo*, 1937, p. 96 ff.

⁴³ Syll.³ 1009. Cf. 1003, 1011.

⁴⁴ Herzog, *Koische Forschungen*, n. 10. Cf.: *Tebt. Pap.* 290, 294, 295; *Lund Pap.* 9, K. Hanell, *Bull. Soc. R. des Lettres de Lund*, 1937-38, p. 18.

⁴⁵ LGS II, 113, 11.

⁴⁶ *Inscr. von Priene* 32.

⁴⁷ Syll.³ 1012.

⁴⁸ *Inscr. von Magn.* 99, 12.

⁴⁹ Cf.: *SEG IX*, 72, 16; *Milet I*, 7, n. 204.

ness, or property to meet the expense of cults. They can be imposed by the authorities of the cult association or by the state. We can distinguish the following kinds of contributions: the entry tax, regular and extraordinary contributions, taxes on certain persons, on business, and on property and so on. The tax on entry into the association called *apographe*, *eisodion*, *eisagogion*, could be paid in kind or in money. In the association of the *orgeones* in Piraeus the entry tax was 2 or 3 dr.; in the similar association in Athens the new members paid the same duty in wine.⁵⁰ The entry tax of the Iobacchoi of Athens was fixed at 50 dr. plus a *sponde* of wine.⁵¹ The children whose fathers were already members paid half. The *hymnodoi* of Pergamon set as the tax of entry a sacrifice plus 30 denarii and a gift to each actual member.⁵² In some circumstances the tax could be remitted. Thus the association of the farmers in Egypt confers on one of its members the right to introduce three new members freely.⁵³

The monthly and annual contributions could be paid in kind or in money. The Iobacchoi deliver the tax in wine each month.⁵⁴ The *orgeones* of Bendis in Athens pay 2 dr. annually for the sacrifices.⁵⁵ An association in Egypt prescribes a tax of 12 dr. a month and the president can seize the property of the members who do not contribute.⁵⁶ We know that the Christians brought to their cult organization a monthly contribution called *stipes*.⁵⁷

Besides the regular contributions the members paid extraordinary taxes to meet some emergency. In an association in Egypt the members pay 1 dr. plus 2 loaves of bread for the funeral banquet.⁵⁸ In another association each member on the same occasion contributes 100 dr.⁵⁹

Honorary distinction or success in life occasionally obliged a member to contribute to the association. In the club of the

⁵⁰ LGS II, 41, 23. Syll.³ 1096, 10.

⁵¹ LGS II, 46, 38.

⁵² LGS I, 27, D, 13 ff.

⁵³ SEG V, 529, 17.

⁵⁴ LGS II, 46, 47.

⁵⁵ W. S. Ferguson, *Orgeonica*, Stud. Shear, Hesperia, Supplb. VIII, 1949, p. 134.

⁵⁶ Mich. Pap. V, p. 96, n. 243, 3. Cf. Harv. Theol. Rev. 1931, p. 40.

⁵⁷ Tertul., *Apologet.* 39.

⁵⁸ Mich. Pap. V, p. 96, n. 243, 10. Cf.: Tebt. Pap. 118, 120, 224, 226, 258; Ox. Pap. 736, III, 36 ff.

⁵⁹ Tebt. Pap. 209.

Iobacchoi these occasions are as follows: marriage, birth of a son, entry into the epheby, grant of the citizenship, membership in the municipal or panhellenic council, the office of athlothete, thesmothete, eirenarch, etc.⁶⁰ In one association in Egypt the taxes paid on various occasions are the following: ⁶¹

marriage	2 dr.
birth of son	4 dr.
birth of daughter	1 dr.
purchase of property	4 dr.
purchase of a flock of goats	4 dr.
purchase of a piece of livestock	1 dr.

The decree issued by the deme of Plotheia obliges all persons who received some public honor to pay a contribution destined for construction and for the purchases of ex-votos.⁶² In Mylasa all persons who were distinguished by some τιμή are obliged to offer to Zeus a vial at the price of 100 dr. A foreigner on the same occasion had to offer three vials of 300 dr. value.⁶³ In Cos the priestess of Dionysos Thylophoros was to pay annually a tax of 100 dr. for the construction of the temple.⁶⁴

The state under some conditions imposed on certain persons the taxes destined for the support of cults. Pseudo-Aristotle reports that Hippias introduced a tax on births and deaths. On these occasions 1 ob. or 1 choinix of wheat was paid.⁶⁵ In Athens in the fifth century B.C. a tax for the cult of Apollo was levied on soldiers. The treasurer collected from the pay of horsemen 2 dr., from that of hoplites 1 dr., and from an archer 3 ob.⁶⁶ The merchants and the ship owners were obliged to pay a tax of one drachma for the support of a certain sanctuary, perhaps that of Zeus.⁶⁷ Another tax called *pentekosté* was levied on export and import, on embarkation fees and was destined to support the

⁶⁰ LGS II, 46, 130 ff.

⁶¹ Mich. Pap. V, p. 96 n. 243, 5 ff.

⁶² IG II, 1215, 16. Cf. A. Wilhelm, Beitr. p. 187.

⁶³ Michel, Recueil Inscr. Gr. 725.

⁶⁴ Rend. Acc. Pont. 1940-1941, p. 29. Cf. RÉG 1948, p. 187, n. 182.

⁶⁵ Arist. Oec. 1347, a 14-17.

⁶⁶ IG I², 79. Cf. R. Schlaifer, Notes on Athenian cults, Harv. St. Cl. Phil. 1940, p. 237.

⁶⁷ IG I², 128. Cf. R. Schlaifer, op. cit., p. 143 ff.

cult of the Anakes.⁶⁸ An inscription of the same century mentions the taxes paid for the cult of Theseus and for that of Asclepios.⁶⁹ In Lindos all soldiers, citizens and mercenaries paid 1/60 of their salaries to the cult of Enyalios.⁷⁰ In Pergamon in Roman times the merchants paid cult taxes called *prosphagion*, *eneortadia*, *to eis to Hermē legomenon*.⁷¹ In Cos the lease-holders of public and of temple works were taxed to perform the sacrifices according to the number of leases:⁷²

Leases	Sacrifice of
1	10 dr.
from 1 to 5	20 dr.
more than 10	50 dr.
bankers	50 dr.

Another inscription of Cos enumerates a large number of holders of public leases who are obliged to sacrifice.⁷³ The same obligation binds the employees and officers of the state. It seems that the regulation aimed to force the worship of cults which were losing their attraction.

The taxes destined to the temples were paid by liberated slaves in the sanctuaries or elsewhere. In Chaironeia the freedmen had to pay to the treasury of sacred finances 20 or 25 dr.⁷⁴ In Cos the liberated slave had to offer a sacrifice in the amount of 50 dr. If the priest does not certify the performance of the sacrifice the document of emancipation cannot be issued.⁷⁵

In some places a large number of people were compelled to pay various kinds of taxes destined to support the cults. A decree of Ephesus of the first century B.C. mentions the decision issued by the people prescribing the following taxes to be paid to the temple of Artemis:⁷⁶

birth	1 dr.
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⁶⁸ IG I², 127.

⁶⁹ Hesperia 1936, p. 40. Cf. RÉG 1946-1947, p. 319.

⁷⁰ SEG IV, 171. Clara Rhodos IX, 1938, p. 211. Cf. M. Launey, Recherches sur les armées hellénistiques, II, p. 930, Paris 1950.

⁷¹ Athen. Mitt. 1902, p. 30 ff.

⁷² LGS II, 140.

⁷³ LGS II, 137.

⁷⁴ Inscr. Gr. Sept. I, 3303, 3406.

⁷⁵ LGS II, 139.

⁷⁶ Jahresh. Oester. 1915, p. 286 ff., Beibl.

illegal birth	100 dr.
grants of various honors	1 den.
lease	60 dr.
recourse	1 chalk.
etc.	

Besides persons and business, property and especially the production of agriculture and industry were also taxed for the support of cults. The *aparche* which amounted to 1/10 of the production was usually offered to gods. We know that Pericles obliged the people of Athens and of the states of the Athenian Confederation to offer the first fruits to the Eleusinian divinities.⁷⁷ This custom seems very ancient and it was presumably practiced in many places although we have no precise testimony.⁷⁸ An inscription from Thebes on Mycale mentions the offering from the sheep and goats offered by the shepherds at the occasion of *koureion*.⁷⁹ The inhabitants of Siphnos sent regularly to Delphi a tithe from their mines.⁸⁰

Papyri and ostraca bring us detailed information on the various taxes paid for the support of temples. In Alexandria all purchases of property were taxed 5% or more, the revenue destined for the temple of Alexander.⁸¹ The gardeners and vineyard keepers paid 1/6 of their production first for the support of the Egyptian cults and later for that of Arsinoe Philadelphos.⁸² Farmers and vine keepers in some places paid a tax called *hyper ampe-lonōn*, *hierou pyrou*, *krithēs*, *spondē Dionysou*, etc.⁸³ Taxes were imposed on the sheep, goats, and other livestock.⁸⁴ Besides

⁷⁷ LGS II, 4. Cf.: A. Jardé, *Les céréales dans l'antiquité grecque*, Paris 1925, p. 38-40; H. Rabes, *Das Eleusinische Zehntgesetz*, Leipzig 1924; RÉG 1948, p. 1 ff.

⁷⁸ Athen. VI, 234 d ff. Poll. VI, 35. Cf.: R. Schlaifer, *op. cit.*, p. 36; L. Ziehen, RE XVIII, p. 1378-1379.

⁷⁹ Inscr. von Priene, 312.

⁸⁰ Herod. III, 57. Ael., v.h. 345.

⁸¹ Hal. Pap. I, XI, 1242-1245. Cf. F. Pringsheim, *The Greek law of Sale*, p. 143, Weimar 1950.

⁸² Ryl. Pap. II, 213.

⁸³ Ox. Pap. 917, 1185, 1283, 1436. Ryl. Pap. 213. Wilcken, *Ostraca I*, p. 151, 222-223. Cf. Sh. L. Wallace, *Taxation in Egypt*, p. 119, Princeton, 1938. S. Eitrem, *Symb. Osl.* 1937, p. 26 ff.

⁸⁴ Wilcken, *Ostraca I*, p. 146.

the regular levies there existed various kinds of more or less obligatory contributions called *logeiai*.⁸⁵

The taxes for the support of cults were introduced in various moments of Greek history when direct support from the state treasury was failing. We see them especially often in the Hellenistic period and in Roman times. Earlier such taxes would only be levied temporarily or for a special reason. An inscription from Lindos of the first century A.D. gives us interesting information on various efforts to meet the emergency that had arisen in the temple's finances.⁸⁶ A special fund was created and dedicated to Athena and Zeus. At first the money in the hands of the *hierotamiai* began the fund. Another amount was added, deriving from the sale of iron and bronze objects found in the temple of Athena. To increase the fund the *epistatai* were empowered to sell the dedications on the statues which stood before the temple. Next a list of voluntary offerings and contributions was begun. It was further decided to choose those who consented to be officials at their own expense. The sums which they would have ordinarily received from the treasury were to be put *eis parakatathekēn* of Zeus and Athena. The same was done with the money which the newly appointed priests receive for the ceremonies of installation. All these measures aimed to ensure a fund sufficient for the celebration of the cult. Apparently, the fees, taxes and various contributions were not adequate to meet the cult expenses.

⁸⁵ Wilcken, op. cit., p. 253-255. Wallace, op. cit., p. 245. *Museum Helveticum*, 1946, p. 246 ff.

⁸⁶ *Inscr. Lindos* 419. Cf. *RÉG* 1942, p. 346, n. 112.

ON *PROTHYSIA* AND *PROMANTEIA* IN GREEK CULTS

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FOR MORE than seventy years these important terms of Greek sacred vocabulary have been discussed back and forth.¹ Recently French scholars have adduced new arguments to make their meaning clearer.² Although the textual evidence, both epigraphical and literary, is not yet sufficiently plentiful to eliminate all possible doubts, it is evident that progress in the understanding of ritual terminology has been made. I should like to add some observations on the problem and to discuss some of the texts which, in the opinion of many scholars, need clarification.

The history of the interpretation of these terms is very interesting. For a long time they were understood as referring to priority. The new epigraphical texts prompted Haussoullier, Homolle, and Dittenberger to see in *pro-* the meaning "on behalf of, in the name of . . ." ³ Legrand, Ziehen, and Stengel defended a temporal meaning of the particle *pro-* ("before"), and their argument had been generally accepted.⁴ Recent French publications have confirmed the latter thesis anew.

It is the achievement of the French scholars to have established without doubt that *prothysia* and *promanteia* both refer to the privilege of priority in the ceremonies. Such priority was not, I think, sought because of honor or precedence, but for practical reasons so that a person traveling to a sanctuary might be able to take his turn in the ceremony and go back home with-

Note on abbreviations: BCH = Bulletin de Correspondance Hellénique; RÉG = Revue des Études Grecques; Rh.Mus. = Rheinisches Museum für Philologie.

¹ B. Haussoullier, BCH, 1881, p. 140 ff. Homolle, *ibid.* 1895, p. 64 ff. P. E. Legrand, RÉG, 1900, p. 281 ff. L. Ziehen, Rh.Mus. 1904, p. 391 ff. *Idem*, Leg. Gr. Sacr. II, pp. 223-225. Stengel, Opferbräuche der Griechen, Leipzig-Berlin 1910, p. 398 ff. *Idem*, Hermes 1913, p. 634. L. Robert, Hellenica V, p. 16. Cf. Syll.³ 548, note 6.

² P. Amandry, BCH, 1942-1943, p. 126 ff. *Idem*, La mantique Apollinienne à Delphes, Paris, 1950, p. 83-84, 112-113. J. Pouilloux, BCH, 1952, p. 484 ff.

³ Cf. n. 1.

⁴ Cf. n. 1.

out unnecessary delay. A privileged position on the waiting list in overcrowded sanctuaries was desirable to many.

In not all cult centers, where the sacrifices were to be performed on one main altar or the consultations carried out in a special place for oracles, was it easy to obtain a speedy admission. Priority was normally reserved for the city controlling the cult, for its citizens, and for favored states and persons.⁵ Foreigners desiring to obtain more speedy access would ask the state or private persons enjoying this privilege for the favor of assisting them or taking their place in the ceremonies. This practice can, I think, be demonstrated from a study of the texts.

PROTHYSIA

1. We read in the statutes of the Labyadae that certain fees are due this body from the person called *prothyōn* and *promanteuomenos*.⁶ Homolle envisaged here the representative of Delphi or of Labyadae themselves who performed sacrifices or consulted the oracle on behalf of foreigners.⁷ Ziehen somewhat awkwardly translates the participles in question: "is qui ante sive privatam sive publicam causam sacra facit et oraculum adit."⁸ Legrand thinks of one of the Labyades who commences the sacrifice or enjoys the right of *promanteia*.⁹ Unfortunately we cannot guess who the person in question was and what kind of ceremony he performed. What is to be noted, however, is the fact that he passes the cult fees on to the Labyadae.

2. The city of Sardis sends its envoy, Matrophanes, to Delphi to perform sacrifices or to consult the oracle.¹⁰ Since he has no *proxenos* at Delphi he asks the authorities to appoint him *prothysōn*. In answer to the demand the city of Delphi declares itself *proxenos* of Sardis and decides to *prothyein* for Matro-

⁵ Cf. Th. Wiegand, VII Ber. Milet, Abh. Berl. Ak. 1908, p. 22, l. 1-2: ὅταν δὲ ἡ ἰέρεια ἐπι[τελέσ]ῃ τὰ ἱερὰ ὑπὲρ τῆς πόλ[εως][ῶς] [ἔργια] μὴ ἐξείναι ὠμοφάγιον ἐμβαλεῖν μηθενὶ πρότερον [ἢ ἡ ἰέ]ρεια ὑπὲρ τῆς πόλεως ἐμβάλλῃ. μὴ ἐξείναι δὲ μηδὲ [συν]αγαγεῖν θίασον μηδενὶ πρότερον τοῦ δημοσίου.

⁶ Leg. Gr. Sacr. II, 74, D 31-40.

⁷ BCH 1895, p. 64.

⁸ Leg. Gr. Sacr. II, p. 225.

⁹ REG 1900, p. 292.

¹⁰ Syll³. 548.

phanes. We do not know for what reason the envoy asked for assistance. Amandry suggests that the oracle at that moment for some reason could not be consulted.¹¹ I think that the speedy admission to the oracle was most likely the reason.

3. In Epidaurus a decree of the fourth century B.C. prescribes fees on the occasion of the ceremony called *prothysis*.¹² The priest of Asclepios shall furnish all that is necessary to the *prothyomenoi* if they do not bring it. The *prothyomenoi* collect the following fees: for the service, three obols, for grain, half an obol, for the crown, half an obol, for wood, half an obol or one obol. The decree is thought to concern the sacrifice to be offered to Apollo, usually preceding that offered to Asclepios. This explanation may or may not be right. What seems important to me is that the *prothyomenoi* receive the fees. As the furnishings of the priest of Asclepios are mentioned I should think that he too receive a fee. Accordingly, we note two categories of payments connected with the cult: one is paid to the *prothyomenoi*, the other to the priest. We cannot determine the character of the service of the *prothysis*.

4. In the decree concerning the cult of Apollo in Miletus, of the third century B.C., we find the following stipulation: "If a foreigner sacrifices to Apollo, one of the inhabitants whom he chooses shall *proierasthai*. The priest in this case gets the same fees as that which the city usually gives him, except for the skin."¹³ We see that in some cases the foreigner could solicit the help of Milesian citizens in the ceremony of *proierasthai*. The term is variously translated.¹⁴ I do not think it has any meaning other than *prothyein*. But why does this stipulation mention the city? It seems to me that the city was interested in assisting foreigners' sacrifices and, perhaps usually received its share of fees together with the priest. When a private citizen lent assistance the fees would seem to have been threefold: to the

¹¹ Op. cit., p. 84.

¹² BCH 1949, p. 366. Cf. L. Robert, RÉG 1951, p. 160.

¹³ Syll⁸. 1037, 6-8.

¹⁴ Fraenkel, Inschr. Perg. I, p. 168: "stellvertretend das Priesteramt ausüben." Haussoullier, RÉG 1919, p. 260: "remplacer le prêtre dans le ministère." Segre, Osservazioni epigr., Real. Istitut. Lomb. 1936, p. 817: "esercitare le funzioni del sacerdote."

assisting citizen, to the priest, and to the state (skin). Again we see that several kinds of fees are paid on the occasion of the sacrifice by a foreigner.

5. Thucydides has preserved for us an interesting detail on the religious relationship which existed between Corinth and its colony Corcyra: οὔτε γὰρ ἐν πανηγύρεσι ταῖς κοιναῖς διδόντες γέρα τὰ νομιζόμενα, οὔτε Κορινθίῳ ἀνδρὶ προκαταρχόμενοι τῶν ἱερῶν ὥσπερ αἱ ἄλλαι ἀποικίαι.¹⁵

Dittenberger takes προκατάρχεσθαι in the meaning of *prothyein* and explains that usually the citizen of the mother city enjoyed the right of sacrificing in the colony. Other foreigners must be replaced in the ceremony by a citizen or by a representative of the state.¹⁶ Ziehen, criticizing this view, interprets *pro* as "before," although the dative Κορινθίῳ ἀνδρὶ must somewhat embarrass him.¹⁷ I believe that προκατάρχεσθαι denotes the privilege of priority in the cult, a privilege which could be extended to the inhabitants of a friendly state.

6. The rules concerning the cult of Apollo and Asclepius in Erythrae, in the third century B.C., contain certain provisions in which our term figures: ὅταν δὲ ἡ πόλις τὴν θυσίην τῷ Ἀσκληπιῷ ποιῇ τὰ τῆς πόλεως προτεθύσθαι ὑπὲρ πάντων, ιδιώτης δὲ μηδεὶς προθυέτω ἐν τῇ ἑορτῇ, ἀνὰ δὲ τὸν ἄλλον χρόνον προθυέτω κατὰ τὰ προγεγραμμένα.¹⁸

The prescription seems to point out that the state reserves for itself the right of priority at cult and sacrifices during the festival days. On other days private persons can *prothyein*, i.e. exercise their priority rights as stated. But, on the other hand, the last two phrases may suggest that the state reserves for itself the right to commence a sacrifice for everyone or to give aid in performing sacrifice for everyone. During the days of the festival, private citizens' rights are suspended. We see, consequently, that the meaning of *prothyein* in the Erythrae text is not clear. It may denote one right or another, as in the texts mentioned before.

¹⁵ Thuc. I, 25, 4.

¹⁶ Index lect. Hal. 1889/1900.

¹⁷ Rh.Mus. 1904, p. 401, n. 1.

¹⁸ Wilamowitz, Abh. Berl. Ak. 1909, n. 11, I. 25-30.

It seems to me that on the basis of the quoted texts, *prothysia* was the right to sacrifice ahead of others. There must be some gradation among the privileged states and persons. When Delphi confers such a privilege it is sometimes expressed in the formula: *θύειν πρώτους μετὰ Δελφούς*,¹⁹ or *καθάπερ Δελφούς*.²⁰ Delphi, therefore, had some extraordinary right. The state and its citizens had not only priority in the cult, but also the right to assist and to introduce the sacrifices of others. We do not know what kinds of rights the members of the Amphictiony and other privileged states had. The states and private foreigners coming to the sanctuary and not possessing the privilege of priority could ask this favor from the city of Delphi and its citizens. Regulations concerning *prothysia* mention the payment of fees which probably are charged for the service. The fees could be manifold: (1) to the priests, (2) to the state, (3) to private individuals. Thus, the covenant between Delphi and Sciathos seems to provide two kinds of payment. It may be that the first was paid for the service of a delegate of a city, and that the second was also reserved to the state, when a private citizen introduced a sacrifice.²¹

PROMANTEIA

The understanding of this term has the same history as *prothysia*. It was long understood as referring to priority until Homolle in his publication of the Labyadae inscription proposed a new interpretation: "the consultation of the oracle in the place, on behalf of . . ." He explained that the foreigner must be assisted or represented in consulting the oracle.²² Legrand and Ziehen did not accept this suggestion. They defended the temporal meaning of *pro* and their argument found general approval.²³ Recently Pouilloux has added new arguments to their reasoning.²⁴

¹⁹ Fouilles de Delphes III, 2, 18, 13.

²⁰ Ibid. 20, 10; 21, 3-4.

²¹ BCH 1939, p. 184, l. 15-18. I think that my reading *ἐπὶ φρυκτῶ* is possible. It can indicate the ceremony of inauguration in which the grain played some role. Cf. Mélanges Picard, p. 981 ff.

²² Cf. n. 1.

²³ Cf. n. 1.

²⁴ Cf. n. 2.

On the basis of the texts he establishes the order followed in consulting the oracle: (1) Delphi and other states possessing extraordinary *προμαντεία*, (2) the Amphictiony and other allied states, (3) states outside the Amphictiony with a probable division on geographic groups, (4) barbarians. The text of Demosthenes seems to imply that there was a hierarchy among the states enjoying the right of priority.²⁵ The *promanteia* given to Thebes in 360/59 seems to prove that Delphi was first on the list.²⁶ Among the Greek cities of Italy, Tarentum and Thurii had priority over other states of Magna Graecia.²⁷ But what happened if two cities enjoying the same degree of privilege came to Delphi on the same day? Pouilloux thinks that they left the decision to the drawing of lots. We shall discuss a few texts which offer some difficulties.

1. The Labyadae receive fees from *promanteuomenos*.²⁸ Legend thought of a representative of the Labyadae enjoying the right of *promanteia* who must pass on the fees received to the Labyadae.²⁹ Unfortunately we cannot establish the identity of the person in question. It could be someone outside the circle of the Labyadae as well. The important thing is the mention of the fees linked with the function of the *promanteuomenos*.

2. Thebes receives the *promanteia* immediately after Delphi: *μετὰ Δελφούς πρώτοις*.³⁰ The expression seems to refer to exceptional privilege of the kind shared by Delphi. It could involve not only the right to consult the oracle first, but also, perhaps, that of introducing all others desiring to obtain priority.

3. The privilege given to Thurii included the right to consult the oracle before any of the other Greeks of Italy: *πρ[ὸ Ἰτα]λιωτᾶν [πάν]των*.³¹ The inhabitants of Tarentum are *homoklaroi* in this privilege. Pouilloux builds on this words a theory of the competition between two states which possessed the same rank of right.³² It seems to me a strange provision for a case which

²⁵ Dem. 9.32.

²⁶ Syll³. 176.

²⁷ Rev. Ét. Anc. 1919, p. 77 ff.

²⁸ Cf. n. 6.

²⁹ Op. cit. p. 292.

³⁰ Syll³. 176.

³¹ Cf. BCH 1952, p. 497.

³² Loc. cit.

certainly occurred seldom and could be settled otherwise. I think that the term signifies "equal in right." It is provided that Tarentum retains its rank fully while the same rights are given to Thurii. The expression $\pi\rho\acute{o}$ Ἰταλιωτᾶν seems to indicate that the regulation of the privilege was based on certain geographical grounds.

4. The text of Demosthenes indicates that some gradation existed in the rights belonging to the privilege.³³ Philip received the extraordinary rank, before all members of the Amphictiony, perhaps immediately following Delphi. In this case his rights may have been equal to those of Thebes previously.

In some cases the terms *prothysia* and *promanteia* go together, although in the documents we find more often the second term.³⁴ The agreement between Delphi and Sciathos mentions *promanteia* but not *prothysia* which in practice signified perhaps the payment of the fees prescribed in the same document.³⁵ The Tetrapolis of Attica received the ordinary *promanteia* but not the extraordinary *prothysia*.³⁶ Pouilloux thinks that in both terms the particle *pro* has the temporal meaning: "The *prothysia* can signify in all cases the preliminary sacrifice, the *promanteia* the privilege of priority."³⁷ It seems to me that both privileges conferred the right of priority and that to Delphi, its inhabitants and perhaps some others, they gave the right of introducing those who desired to be admitted early. Because the fees paid to the city and to the citizens controlling the sanctuary are mentioned in connection with *prothysia* and *promanteia*, I think that it was the charge for the service. The amount of the fees depended on the relationship between a foreign city and that of the sanctuary.

It is natural that the priority in cult reflected the prestige and the political weight of the city concerned. Nevertheless I think that the origin must lie in the simple desire to be admitted to the ceremonies expeditiously.

³³ Cf. n. 25.

³⁴ Leg. Gr. Sacr. II, 74, D 31-40. Fouilles de Delphes III, 2, 18, 13.

³⁵ Cf. n. 21.

³⁶ Fouilles de Delphes III, 2, 18.

³⁷ BCH 1952, p. 501, note.

THE REAL MEANING OF SACRAL MANUMISSION

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THE PROBLEM of the manumission of slaves by sale to a divinity or by consecration has been studied by many scholars. Nevertheless the following questions still arise. What real sense had the sale? What characterizes the sale and the consecration respectively? How do they bring about one's liberty? What is a fictitious or trust sale? Do the several manumission procedures of Delphi, of central Greece, of Macedonia, of Asia Minor and of Syria reflect the same customs and traditions? Cameron, after discussing a number of inscriptions of Imperial times relating to sacral manumission, puts the following question: "It would be interesting to inquire whether this conception is to be regarded as having survived continuously with the institution from an early period in Greece, or as having been revived and strengthened by new social and religious influence after remaining dormant in a period in which sacral manumission was no more than a legal fiction."¹ I should like to try to answer this question.

Westermann must be credited with the elucidation of many problems linked with sacral manumission. In his opinion the transfer of a slave to the god by trust sale or by dedication automatically brought freedom by virtue of the act of entrusting.² But the sale into liberty could be effected without the god, by consent of the owner and of the new master. On the other hand, the slave dedicated to the sanctuary could remain a slave of the god. Westermann defends the Greek gods on the grounds that they are not the slaves' owners.³ But the Greek sanctuaries managed slaves, owned and sold them as did other enterprises. I believe that a slave could enter into a contract to use the money which he could not legally own. In the opinion of Pringsheim it

¹ A. Cameron, *Harv. Theol. Rev.* 1939, p. 153.

² W. L. Westermann: *Quarterly Bulletin of the Polish Institute of Arts and Sciences in America*, II, 1943, p. 10 ff.; *Proc. Am. Philos. Ass.* 1948, p. 55 ff.; *Am. Hist. Rev.* 1945, p. 213 ff.

³ W. L. Westermann, *Proc. Am. Philos. Ass.* 1948, p. 56.

was the slave who bought himself, because in the end he paid the money.⁴ I think therefore that the real meaning of the sacral manumission is not clear, the terms "trust sale," "fiduciary sale," and "apparent sale" are too nebulous. The same vagueness characterizes Cameron's explanation: *εἶναι ἀντὴν τῆς θεοῦ* means *ἐλευθέραν εἶναι*.⁵ The phrase supposedly suggests that the manumitted slave was fictitiously described as the slave of a god.

The name frequently given to the liberated slave by sacral manumission is *ιερός*. Cardinali, Ramsay, Robert, Cameron, and Westermann distinguish many groups of persons bearing that name.⁶ Among them there could be real slaves, manumitted slaves, free persons, orphans, foundlings, or those freely dedicated to the service of gods. I think that the name denotes the character common to all those persons, different though they be in their legal status. It will be the aim of this discussion to discover this common characteristic.

Before we answer these various questions we must, on the basis of the documents, establish the position of the manumitted slave with regard to the god who coöperated in his liberation. The full freedman or the half freedman in *paramone* (i.e. a waiting period, cf. Liddell-Scott-Jones s.v.) are protected by the god. So a man defending them against a new seizure is supposed to act in the name of the god, *ὑπὲρ τὸν θεόν*.⁷ The god is *proistamenos*, that is, a protector of the manumitted.⁸ If there are difficulties between the slave and his master during the *paramone* time, the former must be brought back to the sanctuary.⁹ After the complete manumission or after the *paramone* the former slave is called *ιερός* or "a man of god," *τοῦ θεοῦ*.¹⁰ So in the manumission documents of Charopein in Boeotia the freed slave is called "*ιερός* of the divinity and free."¹¹ A certain Eucrateia freed in Hyam-

⁴ The Greek Law of Sale, Weimar, 1950, p. 185.

⁵ Harv. Theol. Rev. 1939, p. 148-149.

⁶ Cardinali, Rend. Acc. Lincei, 1908, p. 165 ff. Ramsay, Cities and Bishoprics, I, p. 135, 147-148. L. Robert: Bull. Cor. Hel. 1928, p. 419, n. 3; Rev. Phil. 1929, p. 136, n. 6; 1936, p. 140. A. Cameron, Stud. Buckler, p. 41.

⁷ SGDI (Samml. Gr. Dial. Inschr.) 1951, 2275.

⁸ SGDI 2275.

⁹ SGDI 2073.

¹⁰ SGDI 1975, 1979, 2073.

¹¹ Arch. Delt. 1916, p. 221, B, 58.

polis in Phocide is described: χρηματίζουσα ἱερὰ τῆς Ἀρτέμιδος καὶ Ἀπόλλωνος.¹² It seems that the name ἱερός was an official title used by the freedman in various kinds of public documents. We can say therefore that the sacral manumission through dedication or through sale went together with the consecration of the former slave to the divinity. The manumitted slave belongs to the god and is protected by him. The consecration likewise could take place in the case of sale to another master. So in Delphi a certain Alexandros sells his slave to Boethos under the condition of *paramone*.¹³ Among the clauses of the sale we find the following: in five months the new master shall *anagrapσαι* the slave to the god in the name of the seller. We see that the sale under the condition of half liberty could occur outside the temple and that the dedication to the god was performed independently of the sale transaction itself. It may happen that the slave pays money to his master directly and later is dedicated to the god. So a certain Euphoria has given to Asandros 200 dr. for her liberty; later she is dedicated by him to the god.¹⁴ We can therefore conclude that in sacral manumission not the sale itself, but the consecration was the essential element of the transaction.

We receive the same impression when we examine the conditions of the *paramone*. The slave during this period cannot be sold to another master. He is obliged to obey, to work as ordered, but according to his ability only.¹⁵ Any grievance which might occur was to be settled in a court, composed of three men including the priests.¹⁶ The court would decide, *epikrinein*.¹⁷ In the document SGDI 2073 the master and the slave bind themselves by oath to observe the condition of the *paramone*. If the slave steals something belonging to the master, the sale to the god is invalid, *atelēs*, *akyros*.¹⁸ In some cases the *paramone* is shortened or canceled by the so-called *apolysis*.¹⁹ The slave may pay the

¹² Arch. Delt. 1916, p. 264.

¹³ SGDI 1694.

¹⁴ SGDI 2071.

¹⁵ SGDI 1723, 2019, 2140, 2156, 2158, 2159, 2163, 2171, 2186, 2190, 2225.

¹⁶ SGDI 2049, 2072, 2073.

¹⁷ SGDI 1971.

¹⁸ SGDI 1689. Cf. W. L. Westermann, Jour. Near Eastern Stud., 1946, p. 93 ff.

¹⁹ SGDI 1717, 1811. Cf. G. Daux, Delphes au II et I siècles, Paris 1936, p. 615-619, 46 ff.

remaining amount of money to his master, or he may substitute another slave in his place. Even the condition of *paramone* stresses the link between the slave and the sanctuary. The priests seem to supervise the fulfilment of the conditions of *paramone*. Koschaker is therefore right in pointing out that the slave in *paramone* was the property of the god and of his master at the same time.²⁰

We see that the manumission by sale to the god or by dedication attaches the former slave in some sense to the divinity. I believe that the essential element in the sacral manumission is the dedication of the slave by himself or by his master in conjunction with the will of the latter, forced or not, to liberate the slave. It is not an accident that the most ancient documents concerning manumission are conceived in the form of dedication. Such is Koschaker's understanding of our problem. In his view it was originally a real dedication to the divinity through which the liberated slave became in fact a slave in the temple.²¹ This ownership subsequently became fiduciary. As we shall see later, the dedication did not imply a physical attachment to the god, but rather a moral one.

The transfer of the slave to the god could be carried out in two ways: by the master or by the slave himself. The dedication by the master with or without the condition of liberty is attested by numerous documents from all periods of Greek history. Yet it happened more often that the conveyance of ownership to the god was performed by the slave himself. As an origin of this practice we should, I think, consider the right of asylum which was enjoyed by all persons, slaves included.²² When in certain difficulties, they could flee to some altar or temple and ask for protection. On this practice we have an old and very trustworthy testimony in the laws of Cyrene concerning the refugee.²³ The prescriptions were dictated by Apollo of Delphi and can also be used for the interpretation of the Delphic practice. We read in the law of Cyrene: "The second *hikesios*, *tetelesmenos*

²⁰ P. Koschaker, *Abh. Sächs. Ak.* 1934, p. 42, 46.

²¹ P. Koschaker, *ibid.* p. 69.

²² Euripides, *Supp.* 267. Cf. E. Schlesinger, *Die griech. Asylie*, Giessen, 1933, p. 33 ff.

²³ Wilamowitz, *SB Berlin* 1927, p. 169. *SEG IX* 72, §19.

or *atelēs*, sitting before the public sanctuary. If he pays what is required, he is consecrated, *teliskesthai*. If he cannot pay, he must sacrifice the fruits of the earth and wine forever annually. If he neglects [sc. this], he must sacrifice a double portion. If his child fails in this obligation and he is reminded of it, he must pay what the oracle requires and sacrifice to his father's god (on his grave), if he knows him; if not, ask the oracle." The commentaries on this very interesting prescription offer little help. Wilamowitz says that the character of the mentioned *teletē* is not known.²⁴ Latte likewise cannot fully explain the ceremony, but supposes that what is involved is the reception of the refugee and of his descendants into the protection of the divinity.²⁵ I suggest that it is a dedication to the god and a consecration in the sense that the refugee becomes *ἱερός*. The dedication binds the refugee and his family forever to the god. If we suppose that the refugee was a slave, he could buy the consecration and even full or partial liberty with the money. If he did not have enough means, he was obliged to some contribution to the god all his life.

We know that the asylum was a right available to all slaves. It constituted a unique solution for the enslaved person who wished to change his condition. Against the flight of a slave to a sanctuary the master was powerless.²⁶ In Gortyn the owner who lost a suit concerning the possession of a certain slave could prove to the winner that the object of the dispute is staying in a temple and was consequently excused of fraud.²⁷ The refugee could ask for another master and could be sold to him. We have certain indications that a trial took place in the sanctuaries. In Andania the priest judged (*epikrinein*) the case of the slave who had fled; if he condemned the slave, the latter was to be given back to his master. If this is not done, the master is authorized to take his slave *par force* and go home.²⁸ We see here a kind of jurisdiction exercised by the priests over slaves who have fled to the sanctuary.

²⁴ SB Berlin 1927, p. 169.

²⁵ Arch. Religionswiss. 1928, p. 48.

²⁶ Lipsius, Das Altische Recht I, p. 180; II, p. 625.

²⁷ M. Tod, A selection of Greek Historical Inscriptions, Vol. I, 36, I, 40 ff.

²⁸ Prott-Ziehen, LGS II, 58, 81 ff. Cf. A. Wilhelm, Jahresh. Oest. 1940, p. 57-58, Beibl.

It is a great merit of Professor Westermann to have explained the meaning of *paramone*. He has proved in many of his writings that the *paramone* was a real labor contract although the service hired by the employer was not specified or defined.²⁹ I should think that the contract was concluded under the supervision of the priest. The *paramone* therefore was originally the result of the judicial act of the priests in the case of a slave who had fled to the sanctuary. He could be liberated, attached to the temple, sold to others, or sent back to the master on the condition of *paramone*.

It seems therefore that the dedication of the slave by himself in the place of asylum was the origin of sacral manumission. The sale to the divinity is the result of a decision of the court of priests. The escaped slave found protection in the sanctuary and in consequence his condition changed. He was consecrated as *ἱερός* to the god. With the help of the god he could pay the price of liberty to his master. If he could not pay, he was given a labor contract for sometime. It was not the sale to divinity which effected his liberation but the flight to the sanctuary and the dedication to the god. Of course, the dedication and the sale could, equally legally, be made with the consent of both the slave and his master. In this case the liberation, complete or partial, depended on the will of the master and could take place even outside the temple, before the public authorities. In Athens this latter form of manumission was in common use.³⁰ The records of the sanctuary of Dictynna in Crete mention a slave who paid 250 den. *hina en tōi hierōi proskarterēi*. He dedicated himself to temple life and temple service.³¹ In Lebadeia a certain Doilos dedicates his slave Andronicos to Zeus and Trophonios. The manumitted person is obliged to stay in *paramone* with his master's mother for ten years: after her death he shall *leitourgein* in the sanctuary.³² The time of *paramone* is therefore divided between the owner's family and the god. The Jewish manumissions in the synagogues of Delos and of Penticapaion have, I

²⁹ W. L. Westermann, *Jour. Jur. Papyr.* 1948, p. 9. ff.

³⁰ W. L. Westermann, *Jour. Near Eastern Stud.* 1946, p. 94 ff.

³¹ *Inscr. Cret. II, Dictynna*, 3, 12.

³² *SGDI I*, 425. Cf. *Inscr. Jur. Gr. II*, p. 238.

think, Greek characteristics.³³ The manumitted slave was consecrated to God and obliged to follow the religious way of life of the Jews. It seems not unlikely to me that the first groups of Christians were composed in large part of slaves manumitted in the synagogues or in the Christian places of worship. For this reason, perhaps, St. Paul in many of his letters plays on the comparison: a Christian is a freedman and slave of Christ in *paramone*.

The deciding element in the manumission was, I think, the will of the owner, free or forced, as in the case of the flight to some sanctuary. The liberation could be performed in the temple or before the public authorities. In some places the former, in others the latter form of manumission was practiced, or both at once. In Hyampolis of Phocis the state gave its consent in all cases of sacral manumission.³⁴ In Athens the manumission before the public court prevailed and both full and partial manumissions were in use. The so-called *dike apostasiou* was a case of violation of the *paramone* condition.³⁵ The same cases were tried in the sanctuary of Delphi before a court composed of priests. Sacral manumission is more ancient, civil manumission is more recent, but in reality their forms are the same. The religious element binding the manumitted slave to the god is lacking in the civil manumission.

Let us look at some documents of manumission whose meaning has not been clear. The inscriptions from Edessa have been discussed in detail by Cameron.³⁶ They are dedicatory manumissions with the condition of *paramone*. I do not believe that they are real sales to a divinity. The dedication seems to prove that the owner of the slave did not get money but voluntarily conveyed the slave to the divinity on the condition of *paramone*. The formula *einai autēn tēs theou* does not imply necessarily liberty; it stresses only the moral link binding the slave to the god in consequence of the dedication. The slave could be attached to the service of the god, or given back into *paramone*, or become

³³ A. Plassart, *Mélanges Holleaux*, p. 209. A. Calderini, *La manumissione*, p. 419-420.

³⁴ *Arch. Delt.* 1916, p. 264, l. 72 ff.

³⁵ W. L. Westermann, *Jour. Near Eastern Stud.* 1946, p. 93.

³⁶ *Harv. Theol. Rev.* 1939, p. 147, 149.

completely free. In all these situations he belonged to the god. The expression *doulē theās* means, I think, the same as *hiera*; only the formula is oriental.

We have a number of dedicatory inscriptions of children in the sanctuary of Apollo Laermenos.³⁷ In most cases they are the sons of liberated slaves or the children of mothers who were slaves. Westermann thinks that it was not a dedication but rather an assignment to the god, as was practiced by the Copts in Christian times.³⁸ I should like to see in the practice a real dedication and consecration to the god. We have seen that the consecration of a slave implied the same condition for his children, because they were obliged to bring some payment to the god. It was perhaps for these reasons that the dedication of children was demanded by the god. We find frequent mention of dreams, signs and threats by the god.

Many inscriptions of Phrygia concerning the *hieroi* and the *hierai* mention the confession of various sins. Scholars believe that they were members of some cult association, composed of free men, slaves or freedmen helping the priests in the ceremonies.³⁹ Most of the confessed sins concern the neglect of cult prescriptions. They are sins against ritual purity, eating of prohibited meat, improper dress, etc. It seems that the *hieros* was constrained to observe some rule of life and to participate in the ceremonies. We have mentioned that the manumission in the Jewish synagogues involves observance of the Jewish religion and attendance at the ceremony. I should like to see in the *hieroi* of Phrygia the former slaves, consecrated to Apollo Laermenos.

The document MAMA IV,279 is fully discussed by Cameron.⁴⁰ His comments bring new light to the understanding of the inscription, but do not solve all the difficulties. The text is a typical confession document of a slave living in the *paramone* condition. His behavior caused his owner's complaint about his breaking the *paramone* clause. In this circumstance the former sale to the

³⁷ Monumenta Asiae Minoris Antiqua IV, 275 ff.

³⁸ Cf. Zeitschr. Savigny-Stift., R. Abt., 1921, p. 175 ff.

³⁹ Cf. Steinleitner, Die Beicht, p. 47, n.22; p. 52, n.25; p. 57, n.27; p. 59, n.32; p. 87, n.1.

⁴⁰ Harv. Theol. Rev. 1939, p. 161 ff.

god could be declared invalid. It seems that the *kyrios* of the slave strove for the cancellation of the sacral manumission and for placing him again at his mercy. The slave yielded to the pressure. Now the god is reclaiming his property by dreams, various signs and manifestations. I understand as follows the phrase largely discussed by Cameron: καὶ ἐπ' ἐνποδῶν (π)ρολαβὼν, ἐμὸ[ν] δούλον καὶ ἅ πύλας ἰζόμενον, καὶ κείθεν ἀνάξειν, (and at once interrupting me, the god said: "I shall bring my slave even from hell").

THE ROMAN MILITARY FERIALE

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IN A MAJOR STUDY, "The Roman Army and the Roman Religious Year," recently published in this journal (XLV [1952] 187-252), Professor Nock has presented a new interpretation of the character and purpose of the Feriale Duranum.¹ It is hardly necessary at this short interval to repeat his conclusions, which seem to me quite convincing, but as a postscript to Nock's study, I should like to do three things. The first is to discuss the purpose of the military Feriale when it was established, as it probably was, by Augustus. The second is to consider the distribution of the occasions in the Feriale and hence to some extent their value as breaks in the soldier's routine. Finally, I shall examine three sections of the text which for one reason or another deserve close study.

I.

Nock has argued, convincingly it seems to me, that the celebrations of *feriae publicae* prescribed in the Feriale Duranum did not result from any intrinsic obligation of the army to carry out traditional ceremonies to the state gods, but rather from a special directive of Augustus by which he established a military calendar. Further, there is every reason also to accept Nock's conclusion that probably few changes were made in the calendar during the next two centuries, except for the addition or substitution of new

¹ I shall refer to this study and to the edition of the Feriale Duranum in Yale Classical Studies, VII (1940) by author and page. The three editors of the Feriale are R. O. Fink, A. S. Hoey, and W. S. Snyder. The Feriale Duranum is a papyrus which was discovered during the excavations of Dura-Europos. It was written under Severus Alexander between ca. 224 and 235.

I wish to thank Professor Fink, who has read my manuscript and who examined with me some parts of the papyrus itself in New Haven during the summer of 1953.

imperial anniversaries.² One may in fact regard the *Feriale Duranum* as essentially a Severan redaction of an Augustan document, and as such, at least as regards policy and motives, it tells us more about Augustus than about Severus Alexander. It is interesting and important, to be sure, that the original pattern and character of the military calendar should have survived to the time of Alexander, although one might perhaps have expected as much in view of the conservative nature of Roman official religion and military institutions. But to understand the original purpose and even the existence of the *Feriale* one obviously must turn to the period when it was first drafted and established. Not only were the character and circumstances of the Augustan age very different from those of the time of Severus Alexander, but we can assume the existence of conscious motives at the time of the introduction of such a calendar with more confidence than we can in a period when to some extent at least it was probably being mechanically continued as a matter of course.

Augustus' attempt to maintain, revive, and extend Roman traditions among the Roman citizen-body is one of the most familiar and most characteristic aspects of his program. At the same time that access to citizenship was being made more difficult for provincials and slaves, the most varied methods were employed to ensure that those who were already citizens should remain or become as thoroughly Roman as possible, whether in externals such as dress (Suet. Aug. 40) or in sentiment and conduct. One would certainly assume that Augustus' concern for *mores Romani* extended to the legions.³ The army was an essential part and in some respects even the basis of the whole structure of the restored Republic. If Rome was to continue to rule a peregrine empire, at least the legionary core of the army had to remain Roman. The requirement of citizenship for entrance into the legions was a formal expression of this fact. But surely Augustus desired the

² Nock, pp. 195-197. Cf. Hoey, pp. 31, 172-174 for comments on the development of the military calendar, though he does not directly consider its origin.

³ It seems improbable that the *feriae publicae* would have been prescribed for the *auxilia* under Augustus. Auxiliary soldiers may not regularly have been given citizenship and *conubium* upon discharge until the time of Claudius; see H. Nesselhauf, CIL, XVI, p. 148 and E. Birley, J. Rom. St., XXVIII (1938), 226. Hoey, p. 29, n. 45, raises the question of the auxiliary calendar before 212.

legions to be Roman in more than legal status. Some lines of Horace may be quoted in this connection (Carm. III 5.5-12):

milesne Crassi coniuge barbara
turpis maritus vixit et hostium
(pro curia inversique mores!)
consenuit socerorum in armis

sub rege Medo Marsus et Apulus,
anciliorum et nominis et togae
oblitus aeternaeque Vestae,
incolumni Iove et urbe Roma?

The soldier of Crassus was of course a disgraced captive, but even so he serves as a horrible example of what a Roman legionary, and a *miles Augusti*, should not be under any circumstances. Though a Marsian or an Apulian,⁴ he has a *coniunx barbara* (like Antony and doubtless many of Antony's men),⁵ his *mores* are *inversi*, he has forgotten that he belongs to the *gens togata*, and, significantly, he has also forgotten Vesta. (It will be recalled that the Vestalia is one of the festivals included in the Feriale.)⁶ Augustus, one may feel sure, would have desired his legionaries to be free from all such failings.

It would be foolish, as Nock reminds us, to propose simple or

⁴ On this see R. Syme, *The Roman Revolution* (Oxford, 1939), 286-287. Augustus' legionaries were of course by no means all Italian in origin. But enough of them were to make it possible to maintain at least "the fiction of a national army," in Syme's phrase, and the fiction was perhaps inspired more by hope than by fraud. See Syme, *op. cit.*, 456-458 and Rostovtzeff, *Storia soc. e econ.*, dell' Impero Romano, 47-48, where the statements made in the English edition are considerably revised.

⁵ Cf. Aeneid VIII 688: *sequiturque nefas! Aegyptia coniunx* and Seneca Ep. 83.25: *M. Antonium . . . quae alia res perdidit et in externos mores ac vitia non Romana traiecit quam ebrietas nec minor vino Cleopatrae amor?* Legionaries were not regularly given *conubium* upon discharge, as were auxiliaries in most periods, to legitimize irregular unions formed with peregrine women.

⁶ Col. II 15. The appearance of Vesta and the legend VESTA P. R. QVIRITIVM in the "Military" coinage of A.D. 68-69 seems to show that her name was thought to have meaning among soldiers at that time; on the coins see H. Mattingly and Colin Kraay, *Num. Chron.* 6th ser. XII (1952), 72-77 and 78-86. I do not see why *p. R. Quiritium* need be specifically "civilian" in tone (see Kraay, p. 84); cf. *legiones p. R. Quiritium*, found in the Severan *acta sacrorum saecularium* (C.I.L. VI 32329) and restored with almost complete certainty in the Augustan *acta* (for the formula see Nock, p. 193). Apparently Vesta and I. O. M. Capitolinus, the only other deity found on these coins, were chosen as symbols intelligible to soldiers of loyalty to Rome and traditional values.

exclusive explanations of Augustus' actions. One may agree too that the establishment of a military calendar reflects Augustus' own religious beliefs and a desire that piety be exercised by his soldiers.⁷ But still it seems reasonable to suppose that in prescribing observances of *feriae publicae*, a major consideration was his determination to maintain and reinforce his legionaries' Roman character, in which traditional piety was an essential element. In this connection it may be emphasized that in the original Augustan Feriale, unlike the Feriale Duranum of the third century, ordinary public festivals quite possibly predominated.⁸

If the military Feriale was originally an instrument of Romanization, in the sense that it was part of Augustus' revival and promotion of things Roman among the citizen-body, it does not of course follow that the retention of the Feriale necessarily involved similar motives in later periods.⁹ Once established, the Feriale became part of the traditional pattern of military life. One may doubt whether the authorities ever considered radically altering its character, in particular eliminating the *feriae publicae*.

For the soldiers the observance of these *feriae* doubtless had quite different meanings, varying in part according to period and region. At Dura in the time of Severus Alexander it is hard to believe that the *feriae* had much religious significance, and this probably had been true over a wider area for some time.¹⁰ On the other hand, this is not to say that they had no meaning and no effect at all. Such holidays, like the rest of the soldier's routine, his use of Latin however limited, and his uniform, helped serve to distinguish him from civilians and to remind him that he was a Roman soldier.

⁷ Nock, pp. 195-197.

⁸ For the predominance of the imperial cult in the Feriale Duranum, see Hoey, p. 173. In the extant portions of the text there are preserved or restored with some probability eight or nine ordinary public festivals which presumably were in the military calendar at the time of Augustus. It may be doubted whether there would ever have been as many as eight entries relating to *divus Iulius* and Augustus himself, though of course there was no lack of occasions to be celebrated, as e. g. the Feriale Cumanum shows. In any event, there would have been far fewer imperial anniversaries than had accumulated by the third century.

⁹ On the question whether the Feriale Duranum implies a deliberate policy of Romanization cf. Hoey, especially pp. 206-210 and Nock, pp. 203-229.

¹⁰ See Nock, p. 229. Even in official religion the cult of the *signa* surely had greater meaning for the soldiers than the holidays of the Feriale.

2.

Both Hoey and Nock have emphasized the festive and holiday aspect of the occasions listed in the Feriale.¹¹ There is no need to argue the point. We happen to have, for example, a letter of Augustus himself in which he reports his way of celebrating the Quinquatrus, one of the prescribed festivals: *nos, mi Tiberi, Quinquatrus satis iucunde egimus; lusimus enim per omnis dies forumque aleatorum calfecimus*.¹² We may assume then that the authorities as well as the soldiers regarded the entries in the Feriale as holidays in the ordinary sense of the word and as days of rest.

Exactly what this meant in practice it is hard to say, and quite possibly there was considerable variation. The birthday of diva Matidia, for instance, may have been celebrated in a much more perfunctory manner than that of the reigning emperor. Many essential activities, such as courier service,¹³ doubtless continued regardless of the day. A guard roster from Dura of ca. A.D. 240 lists 150 to 200 men assigned to posts in and around the camp on *IX Kal. Iunias*, the *natalis Germanici* (Dura Papyrus inv. 9 verso; unpublished). We find the *probatio* of recruits taking place on a *Rosaliae signorum*.¹⁴ Very possibly too some or all soldiers were involved in parades and formations,¹⁵ which were probably no more enjoyed by soldiers then than they are now and which in any case would permit only a partial holiday. Nevertheless, we may suppose that for most or many men in a unit the prescribed occasions usually meant some relaxation of their daily routine.

The need for such a break is clear. Though discipline was not

¹¹ Hoey, pp. 116, 169-73; Nock, p. 203.

¹² Suet. Aug. 71; cf. 75: *festos et sollemnes dies profusissime, nonnumquam tantum ioculariter celebrat*.

¹³ A letter from a governor of Syria which concerned the assignment of a mount was dispatched on *IIII Idus Maias*, the day of the *circenses Martiales* (A.D. 208). See Yale Classical Studies, XI (1950), 183.

¹⁴ The date *VI Idus Maias* in Dura Papyrus 9 recto, line 14 is almost certainly that of the *probatio* (A.D. 239. Published in Yale Classical Studies, XI (1950), 217). In P. Mich. 455a verso there are entries for *IIII Idus Aug.*, the *natalis divi Iuli*. The text is unfortunately not complete and requires further study. In line 10 *vel feriatae* is read before a lacuna. On the document see Am. J. Phil. LXXI (1950), 437.

¹⁵ See Vegetius II 23: *armaturam, quae festis diebus exhibetur in circo*

always maintained, ordinarily a soldier was kept hard at work, and the work was likely to be tedious when not exhausting.¹⁶ The complaints of the mutineers in Pannonia and Germany, which had their origin in the time of Augustus, must have had a substantial basis. Records were kept of assignments and performance of fatigue-duty, and in practice as well as theory presumably there was some rotation. From time to time leaves might be granted. But there was no regular, recurring respite such as Sunday and our expanding week-end give.¹⁷

It is interesting with this in mind to observe the distribution of the occasions listed in the *Feriale*. In Col. II, where restorations are more or less certain, we find them on the following dates: March 19-23, April 4, 9, 11, 21, 26, May 7 (?), 10, 12, 20, 23, 31, June 9, 26 (?), July 1, 4 (?), 10, 12, 23, August 1, 5, and three uncertain dates between August 14 and 30. The irregularity of interval is obvious and striking. In three instances there is an interval of one day only, not to mention the five days of the *Quinquatrus*, March 19-23. On the other hand, here and elsewhere in the *Feriale* there are several periods of ten days or more without a holiday: between February 4 and March 1, March 23 and April 4, April 26 and May 7 (?), June 9 and 26 (?). Evidently there was no rationalization of the calendar, such as we see in Bank Holidays or the celebration of the King's Birthday on an arbitrary but convenient date.

Very few entries in the *Feriale* of course could be moved, and most were selected according to a principle which permitted little choice in the individual items. It is the more noteworthy therefore that one of the *Rosaliae signorum* was inserted on May 10, two days before the *circenses Martiales*. Presumably a festival of this

¹⁶ See e.g. the recently published P. Mich. 465 and 466 (A.D. 107). For collections of evidence see J. Marquardt, *Römische Staatsverwaltung*, II² (Leipzig, 1884), 566-569; R. Cagnat, *L'armée romaine d'Afrique*, I (Paris, 1913), 356-367; J. Lesquier, *L'armée romaine d'Égypte* (Cairo, 1918), 227-248.

¹⁷ On leaves see A. von Premerstein, *Klio* III (1903), 45-46 and F. Lammert, *R. E.*, VII A, 2030-31, s.v. *Vacatio*. Premerstein discusses P. Gen. Lat. 1 verso, part 5, which is a record of assignments. For regular intervals for drill and exercises see Premerstein, loc. cit., 40, n. 3. Scipio Africanus set up a five day cycle which included a day of rest; Polybius X 20.1-4 and other references cited by Premerstein. But there is no evidence to my knowledge of regular days of rest in the imperial army.

sort could have been placed in June, at a date when it would have been of more value to the soldiers.¹⁸

One may conclude that the choice of festivals was made without regard for their place in a schedule of holidays. The occasion might retain little meaning, but tradition, as in our own calendar, was stronger than convenience.

3.

There has been little study of the text of the Feriale since its publication.¹⁹ The reasons are obvious. The scrupulous skill of the editors in dealing with the papyrus itself inspires a deserved confidence, and their reconstructions of the individual entries invariably show great acumen and resourcefulness. There are no careless blunders to arouse suspicion, and it is much easier to accept the editors' results, or at most to express skepticism, than to turn to the papyrus and repeat the editors' labors, perhaps to no purpose. Nevertheless, much of the document, especially Cols. I and III, has been so extensively restored that one cannot safely use the published text as evidence for anything without first examining carefully what it is based on. The comments which

¹⁸ For dates of rose festivals, which naturally varied according to locality, see Nilsson, R. E., IA, 1112. Those in the Feriale were perhaps better suited to Italy than some other areas in the Empire; cf. I. A. Richmond, Arch. Aeliana, XXI (1943), 162, n. 89. If Fink's conclusion that the *stipendium* was paid on May 9 is correct, this might explain the date of the first Rosaliae; see Fink, pp. 70-71. Fink now suggests to me that the date of II 8 may be *vi[ilidu]s maias*, which would strengthen the possibility. But see the discussion of the entry for VII *Idus Ianuarias* in the next section.

¹⁹ A suggestion for Col. I 11 was made by J. H. Oliver, Am. J. Arch. XLV (1941), 540-541, but this was shown to be impossible by R. O. Fink, Am. J. Arch. XLVIII (1944), 17-19. The excellent plates and facsimile permit one to examine readings almost as satisfactorily on them as on the papyrus itself.

There are a number of instances in which the editors disagree among themselves. In the case of Col. I 11-12, which Fink interprets as the *natalis* of L. Seius and Hoey as that of L. Aelius, I agree with Hoey (p. 183, n. 870) in being skeptical about the existence and readings of the erased letters at the end of line 11. Hoey's reconstruction is accepted by Taylor, Am. J. Arch. XLVI (1942), 310 and Oliver, Harv. Theol. Rev. XLII (1949), 35, n. 1, and it seems the more attractive, if one must choose between these two alternatives. As regards the date, [*Idus Ianuarias* in the Feriale instead of Philocalus' *Idib. Ian.*], the error might be that of Philocalus, the manuscripts, or his sources, and not of the papyrus. The next two dates in Philocalus contain a mistake: *Kal. Ian.* instead of *Kal. Febr.* (C.I.L. I², p. 255), and a numeral may have been omitted before *Id. Ian.* in L. Aelius' entry at some stage.

follow do not reflect a systematic study of the whole papyrus, but though they are both limited in scope and somewhat negative in character, they may have some value.

Col. I 7-9. Fink has restored these lines as follows:

- 7) [vii]idus ianu[arias quod detur emeritis honesta missio cum
usu privi]legio-
- 8) [rum] vel nume[re]n[t]ur [militibus stipendia, i(ovi)
o(ptimo) m(aximo) b(ovem) m(arem), iunoni b(ovem)
f(eminam), minervae] b(ovem) f(eminam),
- 9) [salu]ti b(ovem) f(eminam), marti patri t[aurum, — ca.
28 —]

As S. Weinstock remarks, this is "possibly the most ingenious reconstruction" in a text which has been restored with great ingenuity. However, both Weinstock and Miss Taylor have expressed doubts about it in their reviews,²⁰ and though one may not follow them in their specific criticism and suggestions, the entry clearly requires a close examination.

The restoration of the date as *VIII* or *VII Idus Ianuarias* may be accepted as very probable. That of the two-fold occasion celebrated is another matter. It assumes first that at the time of the document soldiers in both the legions and the auxilia were regularly discharged on January 7 and, secondly, that this was also the date of the first *stipendium*. The second of the two assumptions is the more important for the reconstruction of the entry, for it is suggested that perhaps January 7 was chosen, under the Severi, as the date for *missiones* because it was already a pay-day.

What is the evidence for the two assumptions? As regards the first, it is true that from at least A. D. 216 January 7 became the invariable date for discharges granted to praetorians, *urbani*, and

²⁰ Weinstock objects that the entry as reconstructed has no religious content; J. Rom. St. XXXII (1942), 128. The point perhaps escapes me, but I do not see why the *honesta missio* was not as proper an occasion to be celebrated as Alexander's first consulship (Col. II 18); cf. also dedications made by individual soldiers upon being discharged. Weinstock is also so doubtful about *vel* in a document of this kind as to regard the passage as corrupt. Like Weinstock, L. R. Taylor rightly, I believe, prefers *legio* = "legion" instead of *privi]legio[rum*; Am. J. Arch. XLVI (1942), 310. But the *signa* of the *Rosaliae Signorum* are not necessarily legionary and are no support for this view. Cf. e.g. *ad signa* in the Palmyrene cohort's *acta*; Yale Classical Studies, XI (1950), 234.

equites singulares. Unfortunately, there seems to be no evidence from the Severan period for dating discharges of legionaries or auxiliary soldiers, the men with whom this entry would be primarily concerned.²¹ We do not know, in fact, whether there were fixed days for discharging legionaries and auxiliaries, whether, if so, these days were the same, or whether, if they were the same, the day was January 7. Further, it is certain that in the third century the date of *missiones* was not uniform for all branches of the service since in two third century diplomata issued to sailors (who were *milites*) the date is December 28. In short, there is no direct support for the assumption upon which the first half of the entry is restored, and considerable reason to doubt it. At best, the possibility is an insecure basis for making extensive restorations.

As regards the date when the first *stipendium* was paid, there is no evidence, unless in this entry, that it was January 7. In fact, what information we have points to another conclusion. First, in the very fragmentary P. Rylands 273a (second century) there are found *stip(endium) Kal. Ianuari* and *stip(endium) K[al]*. At the time when the Feriale was published, this could be regarded as uncertain evidence, and it might even be conjectured that the date was mentioned because it was irregular.²² Since then, however, a Dura papyrus of ca. A.D. 250 has been read which refers to *stip(endium) Kal. Maiar(um)* and *stip(endium) Kal. Sept(embrium)* (Dura Papyrus inv. 34 recto; unpublished). This evidence is perhaps not absolutely conclusive, but at any rate the papyri provide substantial grounds for believing that the three *stipendia* were paid or due on the Kalends of January, May, and September and certainly none at all for connecting them with a date beginning *VII Idus*. To sum up, there is considerable reason to doubt whether either part of the restoration is correct, un-

²¹ For dates of discharge see H. Nesselhauf, C.I.L. XVI, p. 186 and Fink, pp. 67-68.

²² Fink, p. 70. The Dura papyrus suggests the restoration *Ianuari[arum]*, rather than *-[is]*. If there were reasons to preserve the restoration of Col. I 7-9, one might explain *stip. Kal. Ianuar.* in two ways. First, possibly the payment had once been made on the Kalends and the name was retained after the date was changed. The suggestion of an Augustan origin of the date (Fink, p. 69) would then have to be modified. Secondly, perhaps accounts were calculated to the Kalends, but payments were made a week later.

less the remains of the entry itself give it clear and direct support and permit no acceptable alternative.

Aside from part of the date and of the concluding list of deities and sacrifices, we have from these three lines only]*legio* at the end of line 7 and then in line 8 after a lacuna of three or four letters].*elnum*.[.], followed by another letter or two and indistinct traces of ink. As Fink shows (pp. 68–69), in line 8 one has no choice but to read *vel* and a word beginning *num*:- i.e., *numen*, *numerus*, or *numerare*. Of these possibilities, one might think first in this context of *numen*, and *numi[ni]* or *nume[n.]* can be read. However, it is then hard to explain convincingly *legio* [. . .] *vel* which would precede it. *Aquilae*] *legio[nis]* *vel* *numi[ni]* (followed by *al[a]e* or some form of *alius*?) is not very satisfactory, though the otherwise puzzling provision for alternatives suggested by *vel* may be explained by differences in units and their standards. One would desire better support for such a phrase than Tacitus' . . . *aquilae* . . . *propria legionum numina* (Ann. II 17).

Another possibility is *legio vel numerus* in some form, and if they are in the same case, the space and traces of letters permit only *legio[nis]* *vel* *nume[ri]*. In such a combination *numerus* would necessarily have its general meaning of military unit. The sense required here would seem to be "legion or other unit," and *legio[nis]* *vel* *nume[ri]* *al[t]er[ius]* may be suggested; *al[i]us* [*modi*] is perhaps also worth mentioning.

The reading itself needs some discussion. First, [*nis*] is a half letter or more shorter than [*num*], and there may be space for four letters. However, almost all of the *v* of *vel* is in the lacuna, there is some irregularity in the margin of columns, and often there is a space between words. In replacing *nume[re]n[t]ur* with *nume[ri]* *al[t]er[ius]*, the principal question is whether *al* should be read instead of *n*; the traces of ink read as *ur* or *er* are so slight as to be quite ambiguous. Against *n* it may be remarked that the first stroke is not vertical as it regularly is in that letter, but slants as in *a*. The reading may not be impossible, but it seems to me at least quite uncertain. In *al* the *a* seems very probable; compare e.g. the *a*'s in *Febrarias* in I 16. However, only the stem of *l* remains, and one must assume that the base is lost,

which the condition of the papyrus makes possible, and that *a* joins *l* not at the left edge of the base but closer to the stem than it ordinarily does. But compare *al* in *Neptunaliorum* (II 22) and note the various forms *al* takes in *natalem* in four consecutive lines, II 4-7.

Though I know of no exact parallel for *legio vel numerus alius*, the phrase seems unobjectionable in itself. A legion might be termed *numerus*,²³ as *alius* would imply, and phrases containing *vel* are understandably common in legal and official language. Possibly *vel numeri alterius* is an interpolation added when the calendar came to be extended to the *auxilia*. For the reconstruction of the entry as a whole, if some such restoration is right, I have no suggestion. *Legionis* might be preceded by anything common to legions and other units. *Signa* is a possibility: e.g. a ceremony may have been carried out *apud* or *ad signa*. But until a parallel is found, too little remains to make conjectures seem profitable.²⁴ The two suggestions made here presumably do not exhaust the possibilities, and in any event one may refuse to accept the editor's restoration without being obliged to propose another to take its place.

If the published version of the entry is rejected, in particular as it involves the payment of a *stipendium*, it follows that there is less basis for the suggested date of III 2-3 (*VII Idus Septembres*). Further, the placing of frg. 5 in I 24-27 may be re-examined, and if its color and texture are adequate reasons for thinking it must belong in Col. I, one may consider transferring it to lines 7-9.²⁵ The only reason, and it is a good one, for leaving it in its present position is that cursive writing on the backing of

²³ See e.g. Vegetius II 9: . . . *non tantum binae legiones sed etiam plures numeri* . . . ; III 4: . . . *militēs, sive illi legionarii sive auxiliares sive equites fuerint, cum ad expeditionem ex diversis convenerint numeris* . . . ; III 9: *sed cum legiones auxilia vel equites, . . . singulos numeros* *Numerus* is not found in the sense of "unit" before the middle of the first century A.D.; H. T. Rowell, R. E. XVII, 1328.

²⁴ Cf. the table of privileges from Brigetio: . . . *apud signa . . . quo tam legionarii milites quam etiam equites* . . . ; Ann. épigr. 1937, no. 232 (A.D. 311). January 7, one of the two possible dates of the entry, was the anniversary of Augustus' first *imperium*, as Fink points out, pp. 66-67. Possibly it is the occasion of the entry. At any rate, the anniversary may well have had a place in the Augustan military calendar.

²⁵ For the position of frg. 5, see Fink, p. 14. The statements there about Col. I 7-10 assume the correctness of the printed restoration.

frg. 5 may be continued on the backing of frg. 1. On the other hand, the part played by frg. 5 in the reconstruction of lines 25-26 gives no particular satisfaction (*mi*]*litib*[*us in* 25 and]*imp*[in 26). It is natural to suppose that]*aug*[on frg. 6 (line 25) is part of *Augustus noster* in some form, which does not go well with what is restored before or after it, and in line 26 the uncertain reading]*imp*[must be combined with the spelling]*apel*[*latus*.

Col. I 17-18. Except for the lacuna and the two letters preceding *divo Antonino* this entry presents no problems:

17) prid(ie) n[onas f]ebraria[s o]b i[mp(erium divi antonini
magni)]o d(ivo)

18) aņtonino m[agno] b(ovem) n(arem) [

The entry appears to differ from the others which celebrate the *dies imperii* of a divus. The regular pattern is: date, *ob imperium divi* (name), *divo* (name) *b m.* Fink offers no suggestion for what comes after *magni*, though if *divo* followed the lacuna directly, we would quite contentedly accept the *patris aug(usti)* which he is forced to renounce as impossible. However,]*o* and the space to be filled suggest [*supplicat*]*io*, and in fact this possibility, I discover, was pointed out by Hoey in a footnote, though without comment or explanation (p. 187, n. 893). If [*supplicat*]*io* is right, one should presumably insert a comma after it and assume a double celebration of the day. The *supplicatio*, that is, would not be simply a preliminary to the sacrifice of Caracalla's *bos mas*, but an independent and more elaborate ceremony such as was carried out on the Rosaliae. The double celebration has two possible parallels in the Feriale. In II 22 one finds *ob diem neptunaliorem supplicatio, immolatio*, which I should regard again as two distinct observances.²⁶ Another possible but more uncertain parallel is in I 27-29, if Snyder's reconstruction is along the right lines. He suggests an anniversary of Alexander which is observed first by a *supplicatio* and then by the sacrifice of a bull to Alexander's genius.

The reason for giving special distinction to Caracalla, officially

²⁶ Cf. Snyder, p. 92 and Hoey, p. 198.

Alexander's father, needs no explanation. It should be noted, however, that Caracalla's *natalis* in II 2 is observed only by the customary sacrifice. But however we explain the content of the lacuna in I 17-18, the entry, apart from the occasion, differs somehow in form from that in II 2.

Col. II 26-28. This section of the text deserves close examination because Snyder's reconstruction requires the omission of either the Volcanalia or, what I will stress, Hadrian's *dies imperii*, and very possibly both. The first question to be dealt with is of course whether we can be sure the occasions were omitted.

26) [.. kal(endas) septemb]re[s ob na]tal[em m]amaeae[
aug(ustae) matr]is aug(usti) n(ostri), i[uno]n[i ma]-
ma[e]ae aug(ustae) [

27) [.....].u.[....].ob.[....] . iam[.] . [.....] . [.]
. . ad. . [

28) [.. kal(endas) septembr]es o[b nata]le[m div]ae mar-
[cianae divae marci]an[ae supplicatio]

The occasion of line 25 is read with certainty as *ob circenses Salutares* and provides a firm date *post quem* for the rest of the column, August 5. Col. III 1, which follows II 28, is restored as the *natalis* of Commodus, August 31. The reading depends on the correct placing of a series of three small fragments, but this seems to be as certain as anything of the kind can be.²⁷ The dates of the entries in II 26-28 must therefore fall between August 6 and 30, and neither the Volcanalia (*X Kal. Septembres*) nor the *dies imperii* of Hadrian (*III Idus Augustas*) can be placed in Col. III. On the other hand, it is uncertain whether the assignment of frgs. 9 and 10 to the beginnings of II 25-28 is right, and either or both may be removed, for example, to make possible an earlier date. They may belong in Col. III. These fragments contain the letters read through *na]tal[em* in 26, *]ob.[* in 27, and *nata]le[m* in 28.

Of the three lines in question, line 26 clearly contains the *natalis Mamaeae*. The *natalis Marcianae* in line 28 is somewhat less certain. But in any event neither Hadrian's *dies imperii* nor the

²⁷ See Fink, pp. 15-18. The top margin of the fragments seems to show that they come from the first line of a column.

Volcanalia can be reconciled with the remaining letters, and this seems to be true also of line 27.²⁸ The absence of the Volcanalia has been commented on by nearly all who have discussed the Feriale, but the omission of Hadrian's *dies imperii*, which has attracted little attention, is almost as remarkable.²⁹ The *dies imperii* of Trajan, Antoninus Pius, Marcus Aurelius and Lucius Verus, Septimius Severus, and Caracalla are celebrated, as possibly is that of Nerva.³⁰ Of the second century emperors only Hadrian, Commodus, and Pertinax are not thus honored. The neglect of Commodus and Pertinax is not surprising. But unlike them, Hadrian was one of the official ancestors of the Severi, and aside from his more general claims to be remembered, one might have supposed that his reforms and interest in the army would have given him at least as prominent a place in the third century military calendar as Antoninus Pius. Senatorial hostility at the time of his death will hardly serve as an explanation. Possibly the name Antoninus was more important under the Severi than the actual personalities and activities of their predecessors, and Trajan's campaigns gave him a special claim that Hadrian's administrative work did not.³¹

²⁸ See Snyder, p. 153, n. 696. The possibilities he suggests should not be rejected in order to retain frgs. 9 or 10, but the letters extant farther on in the line support neither of them. As Snyder points out (p. 153) *iu]liq m[a]m[aea* can be restored in line 27, and it is not impossible that the entry in line 26 was continued.

²⁹ It is noted, but not discussed, by Fink, pp. 77, 82 and Snyder, pp. 152, 156.

³⁰ For Nerva, see Snyder, p. 156. The possibility is entirely based on restorations and is ignored in summaries by Hoey, p. 185 and Nock, p. 188.

³¹ For stress on the *nomen Antoninorum* see e.g. S.H.A. Caracalla 9.2, Gord. 4.7, and Hoey, p. 186, n. 884. It seems doubtful whether Trajan's *dies imperii* was added because he was a favorite of Severus Alexander, as Hoey suggests, p. 186. Probably it had been in the calendar continuously since his reign.

NOTE ON LETTER AND SPIRIT IN THE NEW TESTAMENT

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IN A STUDY entitled Letter and Spirit in Jewish and Roman Law ¹ I suggested that the antithesis *γράμμα καὶ πνεῦμα* (Letter and Spirit) coined by Paul was the equivalent to the Greek antithesis *ῥητὸν καὶ διάνοια*, which was a commonplace in ancient Greek rhetoric. After this article was printed, I discovered a passage in Origen which confirms beyond all doubt the correctness of my conjecture. This statement is found in his refutations of an argument advanced by Celsus. This pagan philosopher charged that there were many contradictions between the Law and the New Dispensation, which demanded an explanation. For instance, "Why did he give them laws by Moses that they were to become rich and powerful. . . Yet his son, the man of Nazareth, gives contradictory laws, saying that a man cannot come forward to the Father if he is rich or loves power." ²

Before answering Celsus on the above point, Origen made the following prefatory remarks: "We maintain that the law has a twofold interpretation; one verbal, the other understood according to its intent, (*ὁ μὲν τις πρὸς ῥητὸν, ὁ δὲ πρὸς διάνοιαν*) as was also taught by some of our predecessors. And it is not so much we as God, speaking in one of the prophets, who describes the law, verbally understood, (*καὶ ὁ μὲν πρὸς τὸ ῥητὸν*) as judgments that are not good, and as statutes that are not good (Ezek. 20.25); and in the same prophet, God is represented as saying that the law, understood according to its intent, (*ὁ δὲ πρὸς διάνοιαν*) is judgments that are good and statutes that are good (Ezek. 20.21)." The prophet is not making contradictory statements (*ἐναντία*) in the same passage. It is consistent with this when Paul also says, that the letter killeth, which is equivalent to the verbal interpretation (*ὅπερ ἴσον ἐστὶ τὸ ῥητὸν*) and the spirit re-

¹ Cf. Mordecai M. Kaplan Jubilee Volume, New York 1953, pp. 109-135.

² Origen, *Contra Celsum* VII.18. translation by H. Chadwick, Cambridge 1953, p. 409.

viveth means the interpretation according to its intent (*ὅπερ ἰσοδυναμεῖ τῷ πρὸς διάνοιαν*).³ Origen answered the objection of Celsus in the following manner, "If, then, the letter of the law promises wealth to the righteous, Celsus may follow the letter that killeth and think that the promise is speaking of blind wealth. But we regard it as the riches that have keen sight, according as a person is rich in all utterance and all knowledge."⁴

From the above passage we learn three significant points. First, that Origen held that the law is susceptible of a twofold interpretation, one, which is verbal (*πρὸς ῥητὸν*) and the other, according to its intent (*πρὸς διάνοιαν*). Elsewhere, be it noted, Origen speaks of the threefold meaning of Scripture.⁵ Furthermore, it should be remarked, that Origen observed that this twofold interpretation has been pointed out before him. He is of course referring to Philo.⁶ Secondly, it would hardly have occurred to Origen to equate Paul's antithesis *γράμμα καὶ πνεῦμα* with *ῥητὸν καὶ διάνοια* were he not so familiar with the use of the latter in Greek rhetorical writings. Thirdly, when Origen explained away the conflicting statements in Ezekiel 20.21 and 25, by the observation that the latter refers to the law according to the letter and the former alludes to the law according to the spirit, and when he dissolved the contradiction raised by Celsus by asserting that the statement of Moses is not to be understood literally, he was very much influenced by Philo who used this method before him, but it was also a device much in vogue among the advocates. Quintilian⁷ tells us that contradictory laws which the Greeks call *ἀντινομία* give rise to the question as to how the law is to be interpreted. Hence one party may insist upon the letter, the other on the intent and purpose of the law. It is noteworthy that the Septuagint to Deut. 17.8 adds the case of contradictory laws (*ἀναμέσον ἀντιλογία ἀντιλογίας*) to the various legal questions that may properly be referred to the jurisdiction of the supreme court in Jerusalem.

³ Contra Celsum VII.20, Chadwick l.c., p. 411, cf. also Schneider, The Catholic Biblical Quarterly, XV (1953) 167.

⁴ Contra Celsum, VII.21, Chadwick, l.c., p. 411-12.

⁵ Cf. H. de Lubac, Origène, Homélies sur L'Exode, pp. 9-33.

⁶ Cf. Siegfried, Philo, Jena 1875, pp. 351-3, Chadwick l.c., p. 411, note 2. who refers to Spec. Lec. I.287, and my article cited above, pp. 118-119.

⁷ Inst. Or. III.6,46, VII.1.15, VII.10.1.

This phrase obviously could not have been in the original Hebrew text of Scripture.

The question is now in order — why did Paul replace *ῥητὸν καὶ διάνοια* domesticated in Jewish Hellenistic theology by Philo, with *γράμμα καὶ πνεῦμα* and how did he come by the antithesis between letter and spirit? Now the very term and concept, letter of the law, which corresponds to the Hebrew *Ot min ha-Torah*, was adopted by Paul from contemporary rabbinic exegesis with which he was quite familiar. The phrase “spirit of the law,” was borrowed by Paul from Isa. 4.4. and 28.6 where the Hebrew “*Ruah Mishpat*” is rendered by the Septuagint as *πνεῦμα κρίσεως*. That the phrase “letter and spirit” of the law was derived by Paul from Jewish sources is corroborated by the fact that these terms do not appear in Greek and Roman literature before his time. Furthermore, the notion underlying “the letter of the law,” is peculiarly Jewish and would sound quite foreign if not irrelevant to a Greek or Roman⁸ jurist. To the Jew, to whom Scripture was divinely revealed, there was no superfluous letter in the law. Hence a single, even apparently redundant letter, could be loaded with legal significance. Thus, even the letters *He* and *Vav*⁹ carried with them some meaning above and beyond that implied in the word itself. Therefore, the Jew ordinarily described the simple meaning of a phrase, as the literal one, i.e. one in conformity with the letter (*Ot min ha-Torah*).¹⁰ To a Greek or Roman jurist

⁸ Oddly enough, with respect to the interpretation of an agreement, Paulus writes: We are not bound by the form of the letters but by the meaning they express. *Non figura litterarum sed oratione, quam exprimunt litterae, obligamur.* (D.44.7.38 cf. *Bulletino dell'Istituto di Diritto Romano*, 53-54 (1945), pp. 349, 354). This is the closest to the term *Letter* of the law in the Digest. On the other hand, with regard to the interpretation of a will, Javolenus reports that Labeo appears to have followed the form of the words, and the Proculus the intention of the testator. *Mihi Labeo videtur verborum figuram sequi, Proculus mentem testantis.* (Digest, 50.16.116). The phrase *figura litterarum* or *figura verborum* has a close parallel in the Talmudic phrase: One is misleading if he translates a Biblical verse according to its form (*Ke-Tsurato*) i.e. of the letters and words constituting it, namely, if he translates it literally, Kiddushin 49a. *Littera* is found in purely literary contexts with an entirely different meaning. Thus we find Cicero writing: *ad me litteram numquam misit* (Letters to his Friends II.17.6) and Quintilian introduces a verbatim quotation with these words: *Locum ad litteras subieci* (Inst. Or.9.1.25).

⁹ For the interpretation of the pleonastic *He*, cf. Baba Kamma 63b. For the redundant *Vav*, cf. Yebamot 68b.

¹⁰ Occasionally, the rabbis spoke of the “word of the law” when referring to the

or rhetorician who was bent on tracing the exact meaning of a legal text, the smallest unit that interested him was a word, *ῥητὸν* or *verbum*.¹¹ Hence the Greek and Roman writer designated the natural sense of a phrase as the verbal one,¹² i.e., one in conformity with the words of the text (*πρὸς ῥητὸν*). On the other hand, when the Greek jurist or rhetorician wished to forsake the verbal meaning of the law, he sought to discover its intent and purpose which is well expressed by *διάνοια*. When the rabbis departed from the literal sense of the law and looked for its intent and purpose, they indicated this fact by various circumlocutions, but established no fixed or precise nomenclature.

Paul had very good reasons for substituting Letter and Spirit in place of *ῥητὸν καὶ διάνοια*. First, he wished to win over the Jews to the new Dispensation, in which case an antithesis between letter and spirit would have had a more genuine and authentic ring. Secondly, Paul wished to bypass even the intent of the law and to abolish it by allegorical interpretation. It is true that in Philo *διάνοια* is applied to allegorical exegesis too. But Paul felt that it would be more effective if he appropriated the Biblical phrase *πνεῦμα κρίσεως* because it is much more elastic and elusive than the rigid and limited *διάνοια* of the rhetoricians, and is susceptible of so many theological interpretations and allusions. Thus, the spirit reviveth, is a subtle reference to Ezekiel 37.5. Behold I will cause the spirit to enter into you, and you shall live.

While it is true as Professor Nock has suggested "that Paul meant much more by Spirit: it is the dynamic power of God poured forth in the New Age. It is not an antithesis between the

interpretation of its literal sense. Thus R. Tarfon objected to a certain type of exegesis because it would lead to the abolition of the word of the law (*Davar min ha-Torah*), in this instance to the Levirate marriage (Gittin 83a). In the same sense the phrase *Davar min ha-Torah* is used in an Amoraic discussion in Yebamot 89b.

¹¹ Cf. Quintilian, *Nam hi, quia verborum mutatio sensus quoque verteret, omnes figuras in verbis esse dixerunt* (Inst. Or. 9.1.15).

¹² In English, literal and verbal are most often synonymous, thus one may speak of inspiration or of a translation as being literal or verbal, with no apparent difference in meaning. However, the term "verbal" may be confusing as it is often used in contrast to oral, when we speak of a verbal contract in opposition to an oral one. Strictly speaking, in English the difference between literal and verbal is mainly a matter of etymology. Literal is derived from *littera*, a translation of *γράμμα* which in turn goes back to the Hebrew *ot*. Verbal stems from *verbum* the Latin equivalent for *ῥητὸν*.

wording of the Law and the sense that can be read into it; it is the antithesis of a written code and the new light that has been vouchsafed," nevertheless, the context into which Paul introduced this antithesis should not be disregarded. In 2 Cor. 3.6 he says: "but our sufficiency is of God, who also hath made us able ministers (*διακόνους*) of the New Testament, not of the letter, but of the spirit, for the letter killeth, but the spirit reviveth." As we have indicated elsewhere,¹³ Paul is playing with the legal notion current in Jewish and Roman law, that an earlier testament may be abrogated by a subsequent one, and that a will is to be interpreted according to the spirit.¹⁴ In keeping with the metaphor, we would have expected Paul to say that God had made us executors (*ἐπιμελητάς*¹⁵) of the New Testament. But for the sake of alliteration, Paul preferred to use *διακόνους* which has the same initial sound as *διαθήκη*. The rabbis, on the other hand, for opposite reasons, were extremely wary and chary of employing the notion of Spirit in connection with interpretation because they were fully aware of its many pitfalls. Paul did not merely replace *ρόγον* by Letter and *διάνοια* by Spirit, but in imitation of the rhetoricians, he also put them into sharp contrast.

In the view of the rabbis, the letter of the law, was to be accepted except where tradition or moral principles required a departure from it.¹⁶ David's appeasement of the Gibeonites by impaling the seven sons of Saul (2 Sam. 21.6) and leaving their dead bodies to hang for a long time, was in contravention of the law laid down in Deut. 24.16 and 21.23. The rabbis justified this violation on the ground that it is wiser to disregard the letter of

¹³ Cf. my article cited above, pp. 111-112.

¹⁴ Cf. also Schulz, *History of Roman Legal Science*, 78-79.

¹⁵ For the use of *ἐπιμελητής* to denote an executor of a will, cf. Diogenes Laertius V. 56 *ἐπιμεληταὶ δὲ ἔστωσαν τῶν ἐν τῇ διαθήκῃ γεγραμμένον* and Beauchet, *Histoire du Droit Privé de la République Athénienne*, III.699. This Greek term occurs also in Talmudic literature, cf. Krauss, *Lehnwörter im Talmud*, II, 106, 459.

¹⁶ Philo too held that if the law were unreasonable or impossible when taken in its literal meaning, it was to be interpreted allegorically, cf. Siegfried, *Philo*, 165-168 and Wolfson, *Philo*, I.136. F. Prat pointed out that Origen too held that "il n'y a pas dans la Bible un iota ni un seul trait vide de sens," also that it was necessary to "Abandonner la lettre où le sens corporel de l'Écriture toutes les fois qu'il en résulterait quelque chose d'impossible, d'absurde ou d'indigne de Dieu. . . La seule question qui se pose est de savoir ce qu'on entend par absurde, impossible, et indigne de Dieu." Vigouroux, *Dictionnaire de la Bible*, IV. p. 1877, cf. also Siegfried, *l.c.*, 353-9.

the law (*Ot ahat min ha-Torah*)¹⁷ if it leads to the public sanctification of the name of God. David's stern punishment of the members of the royal Jewish family, for injustice inflicted by them even upon insincere proselytes (*Gerim Gerurim*)¹⁸ deeply impressed the Gentiles with the strict sense of justice possessed by the Jews, to such an extent that many Gentiles were induced subsequently to join the Jewish faith.

On the other hand, the rabbis frequently acted on the assumption that the Letter and the Spirit supplemented one another. Thus the humanitarian law in Deut. 25:4 prohibiting one from muzzling the ox when he treadeth out the corn, was taken by the rabbis in its literal sense. Yet they further reasoned that if Scripture forbids cruelty to an ox, it would even more so forbid cruelty to a person. Hence they deduced from the spirit animating this law the following: Whence do we learn that a woman whose husband died without children is not to be muzzled by her levir¹⁹ if he happens to be a leper, Scripture says: Thou shalt not muzzle an ox when he treadeth out his corn, and If brethren dwell together etc. (Yebamot 4a). When Paul said: Doth God care for oxen? or saith He it altogether for our sakes? (I. Cor. 9.9),²⁰ he repudiated the letter of this law, and interpreted the verse merely according to the spirit.²¹ Paul's disavowal of the letter of this law

¹⁷ Cf. Yebamot 79a, and the gloss of Chajes ad locum.

¹⁸ Cf. Moore, Judaism I, 337-338.

¹⁹ That is, she is not compelled to marry him but the levir is forced to release her by submitting to the ceremony of Halitsah, i.e. of having his shoe loosed as prescribed in Deut. 25.9. The rabbis in order to protect the widow of a childless husband from being coerced to marry an undesirable levir, permitted the use of certain forms of strategy where the law did not afford adequate remedy, cf. Yebamot 106a.

²⁰ On this point, cf. Origen, Contra Celsum II.3, De Principiis IV. 12. Homélies sur la Genèse, 17.9. For parallels to the statement of Paul, Professor Nock kindly drew my attention to Aristas 144, and Philo, De Somniis I. 92 ff, Spec. Leg. I. 260, Quod Omnis Probus Liber Sit, 2, Quaest. Gen. IV. 172.

²¹ It is not unlikely that Paul, in the course of development of his concept of *Ruah Mishpat* was initially influenced by Isa. 42.1: "Behold my servant, whom I uphold, mine elect, in whom My soul delighteth. I have put my Spirit (*Ruhi*) upon him. He shall make the law (*Mishpat*) go forth to the nations." It is very plausible to assume that the ancient Jewish tradition incorporated in the Aramaic translation of this verse (and presupposed in the Palestinian Talmud, Demai VII.1,26a which was correctly explained by R. Aryeh Leib Jelin in his glosses to Yebamot 93b) was known to Paul. According to it, this verse alluded to the Messiah who, invested with the holy spirit, will expound laws to the nations (*Dinin le-Amemin yegale*). The Aramaic verb "galeh" means to reveal, and in Rabbinic Hebrew signifies mostly "to expound," cf. Boaz Cohen, Sabbath Pro-

would have been unintelligible to the rabbis, and would have appeared to them as utterly gratuitous.

hibitions known as Shebut, New York 1949, p. 39, note 106a. It is noteworthy that the Aramaic translator of Isa. 12.3 "therefore with joy shall ye draw water out of the wells of salvation" paraphrases it as follows: And ye shall receive a new law with joy from the select of the righteous. (For the well known use of the symbolism of water for Torah, cf. Ta'anit 7a and Wieder, *Journal of Jewish Studies*, IV, 1953, p. 159, note 2). Such an interpretation might have been current also in the Pharisaic circles in which Paul moved in his early days.

THE MANUSCRIPT TRADITION OF ISIDORE OF PELUSIUM *

The study of Isidore falls roughly into three periods, mediaeval, when the text was used principally for catenae and florilegia, sixteenth-and-seventeenth-century, when it was published and a rudimentary historical account of Isidore worked out from it and from the better-known testimonia, and modern. Of the modern period the outstanding works have been H. Niemeyer's account of Isidore's life and writings,¹ Capo's, Turner's and Lake's studies establishing the relationships of the major western MSS,² and the recent work of Dom Andreas Schmid, *Die Christologie Isidors von Pelusium*,³ which, by its account of the history of the text, marks a new period in the study. Besides these works, the past fifty years have seen considerable collection of parallels between Isidore's letters and passages in classical or early Christian authors, as well as several detailed discussions of the content of the letters. These discussions have uniformly been undistinguished expositions of the obvious, and the largest collection of parallels, that of L. Bayer,⁴ merited the crushing review it was given by K. Fuhr⁵ and has since been considerably supplemented by articles which individually, however, are minor. Special mention, finally, should be made of an article by L. Sicking in *De Katholiek*,⁶ attacking the authenticity of the letters, for it was apropos of this that J. Lebon⁷ referred to doubts cast on the authenticity of the letters by Severus of Antioch in his polemic against Johannes Grammaticus. This reference served as the point of departure for Schmid's work, thanks to which we can now fill with at least some textual history the gap between Isidore's activity and our present collection of letters.

Isidore's activity falls in the years between 390 and 435 — at least, there are no letters certainly outside those dates. He wrote some 3,000 letters and by the first quarter of the sixth century these were known both in Syria and in Egypt (though whether as independent collections

* This paper was read at the International Patristic Congress at Oxford in the fall of 1951. I have since made a few minor changes in the text.

¹ Reprinted in Migne, PG 78.

² V. inf. notes 8, 9 and 13.

³ Freiburg i.d. Schweiz, 1948 (Paradosis II).

⁴ *Isidors von Pelusium klassische Bildung*, Paderborn, 1915 (Forsch. zur. chl. Lit.-u.-Dogmengesch. 13.2).

⁵ In Berl. Phil. Wochenschr. 36 (1916) 1164ff.

⁶ 130 (1906) 109ff.; this I know only from Lebon's comments, v. note 7.

⁷ In Rev. d'hist. eccl. 13 (1912) 414f.

or only in florilegia is uncertain). If Schmid be right, they had already at this time been interpolated with a few texts bearing on the Monophysite controversy, and these texts, whatever their original content, had in their turn been corrupted so that some MSS contained Monophysite formulae, others Chalcedonian. Johannes Grammaticus argued from the latter, Severus attempted to refute him by alleging the former; as often happened in theological controversy, neither side took much notice of the other's arguments; both continued to make use of Isidore. Schmid thinks it was the Chalcedonian formulae in the letters, as well as their exposure of the scandalous condition of the Egyptian clergy, their praise of Chrysostom and their criticism of Cyril, which made them acceptable to the Sleepless Monks of Constantinople, who collected or got a collection of 2,000 of them, in four codices. How this collection stood to the original 3,000 is uncertain, but certain are the facts that it was the archetype of some of the principal Greek MSS now preserved in the countries of Western Europe and that from it was made the principal ancient Latin translation of the letters, that of the 49 in the *Collectio Casinensis*, which were edited by R. Aigrain in 1911 and by E. Schwartz in the *Acta* (I. 4 pp. 9ff.).

Of the Greek MSS of the letters there are two main types, one in which the letters are found in the order they had in the Constantinopolitan original, another in which they are not. For the first there is no doubt of derivation from that archetype, indeed it is so clear that K. Lake⁸ was able to work out from the preserved MSS the numeration of the letters in the lost original. For the second type the derivation was assumed by C. Turner⁹ and has not been questioned since. Such, by and large, is the position of the study to-day.

Perhaps the strongest argument in favor of Turner's assumption is to be drawn from the almost complete identity of the letters preserved by the two types of MS. Of the second the largest examples (Ven. marc. 126 and its descendants) contain 1148 letters each, and of these all but, perhaps, one are to be found in the MSS of the former type. This looks like relationship rather than the result of random choice from a body of 3,000. But it should be remembered that, in the first place, many of the smaller MSS in the West have not yet been investigated, in the second place, the identity of the letters in the two types of MSS might be the result of the fact that most anthologists, setting out to make selections from a work, begin at the beginning. The results

⁸ Further Notes on the MSS of Isidore of Pelusium, *Jnl. of Theolog. Studies* 6 (1905) 270ff.

⁹ The Letters of St. Isidore of Pelusium, *Jnl. of Theolog. Studies* 6 (1905) 70ff.

of this habit are clearly seen in the smaller anthologies, which invariably draw most of their letters from the first book. But even this line of argument leads to the conclusion that if the MSS of the second type do not derive from the original in Constantinople, yet they and it alike derive from an original in which the letters had much their present relative position.

However, it must be remembered that Severus, in his attack on Johannes Grammaticus, said the letters were originally numbered and kept in numerical order, although in his time the order was neglected and the copying of some letters by one person, others by another, had produced MSS containing doublets or even triplets.¹⁰ Now the MSS of the Sleepless Monks unquestionably contained doublets and these (especially in the light of Severus' statement and of the MSS' habit of grouping letters in one place according to their content, in another without any apparent connection) unquestionably invite source-criticism. If the MSS of the second type do not derive from the MSS of the Sleepless Monks, but bear witness to a primitive order of priority common to it and to them, any source-criticism will have to be more cautious than it otherwise might.

Caution is required, too, because of the comparatively small time between the death of Isidore, after 435, and the use of the Constantinopolitan collection by Facundus of Hermiane, before 549. Unless that collection was the result of a deliberate, thorough rearrangement — which, given the doublets, seems unlikely — it probably preserved much of the original order of the MSS from which it derived. These must have been fairly near, in time, at least, to the original publications. Of what sort were those publications?

An answer is suggested by Isidore's obvious concern for style and by his satirical letters. His concern for style led E. Pezold¹¹ to suppose the letters not true letters, but rhetorical exercises composed as models for pupils; it led Sicking to think many of them spurious. As for his satirical letters, consider only this: How did they come to be published? Most of them are nominally addressed to those persons who were the objects of his satire. Surely, then, the addressees did not preserve them for publication. St. Isidore must have spent a good deal of his monastic solitude in polishing and pointing his periods, and when he finally let fly — say, at his unfortunate bishop — one of his shafts of calculated abuse, he must have kept a copy for his own files or sent copies to his friends and eventually have published or caused

¹⁰ CSCO, Syri, vol. 6, p. 182.

¹¹ Diss. inaug. de Isidoro Pel., Göttingen, 1737, pp. 15ff.

to be published a volume of such 'letters,' rather like the epigrams of a Christian Martial. This is not to say they are not genuine letters, but they must certainly have been open letters or they would not have survived.¹²

In a word, behind the larger collections must have lain the deliberate publication of at least some of the letters by Isidore himself or with his coöperation. Were they published singly or in groups? Above I suggested the publication of groups in book form, but it seems to me equally possible that some may have been put out singly to be passed about as leaflets, a method which might well have been supplemented by later collection in books. Such books would have formed the basic units from which the corpus grew. Recipients of his non-abusive letters might well have saved and eventually published them on their own initiative. Clearly we pass here into the realm of free speculation; we had better turn back to the facts of textual tradition which indicate, if not the purposes for which the letters were written, at least the purposes for which they were copied.

N. Capo attempted a complete list of the MSS in the countries of Western Europe.¹³ Doubtless that list, published in 1901, would profit by revision. It pays no attention to material in catenae and omits a number of the smaller and later collections listed in catalogues already available in 1901.¹⁴ A review of the major catalogues¹⁵ of Eastern

¹² I am glad to have this conclusion as to Isidore's practice confirmed by the remarks of A. D. Nock in a letter of Dec. 23, 1953, as to the general practice of ancient letter writers: 'There can be little doubt that any ancient who wrote elaborate letters kept the equivalent of a carbon. You will remember . . . how one correspondent of Jerome heard from others of a letter by Jerome to him before he received it. The line between formal publication and private interchange was a good deal less clear then than now, cf. my remarks in the forthcoming number of *Gnomon*.'

¹³ De S. Isidori Pel. epistularum recensione, *Studi It. di Fil. Class.* 9 (1901) 449ff.

¹⁴ E.g. the small collections in Marc. gr. 495 and 525, already listed by Zanetti, *Graeca Marci Bibliotheca*, Venice, 1740. 495 is of the 14th c., 525 of the 15th.

¹⁵ T. Moschonas, *Kataloge tes Patriarchikes Bibl.*, I, Alexandria, 1945.

I. and A. Sakellion, *Kat. ton Cheirographon tes Ethinkes Bibl.*, Athens, 1892.

Spyridon and S. Eustratiades, *Cat. of the Gk. MSS in the Library of the Laura*, Cambridge, 1925 (*Harv. Theol. Studies*, XII).

S. Eustratiades and Arcadios, *Cat. of the Gk. MSS in the Library of the Monastery of Vatopedi*, Cambridge, 1924 (*Harv. Theol. Studies* XI).

S. Lambros, *Cat. of the Gk. MSS on Mt. Athos*, Cambridge, 2 v., 1895 and 1900.

A. Papadopoulos-Kerameus, *Hierosolymitike Bibl.*, Petrograd, 4 v., 1891-1915.

Vladimir, *Cat. of the Patriarchal Library in Moscow* (title in Russian), Moscow, 1894.

I. Sakellion, *Patmiake Bibliotheke*, Athens, 1890.

V. Gardthausen, *Cat. cod. graec. Sinaiticorum*, Ox., 1886.

collections showed 88 MSS containing selections from Isidore; a thorough search of the minor catalogues of collections in Greece, as listed by M. Richard,¹⁶ has raised this figure to 175. No doubt it will go up again when a detailed analysis of the material at Sinai becomes available, but it is already sufficient, with Capo's list, to justify an approximate picture of the various types of MSS in which Isidorean letters are preserved.

First there are MSS containing large collections of Isidorean letters *en bloc*, thus Laura 284, X c., 852 letters; Patmos 118, XI c., 399; Patmos 119, XIII c., 568; Patmos 706, XI/XII c., 510; Athens 468, X/XI c., 51 folia; Moscow 28, X c., 896 letters. These are not immediately informative as to the copyist's interests, but their relative scarcity shows at least that in the mediaeval Church Isidore was not read much as an independent author; he was rather a source of confirmatory opinions and elegant extracts. It is true that the interests and methods of mediaeval scribes tended to reduce all authors to this level, but Isidore's works, being a collection of letters to begin with, were unusually favorable to the standard mediaeval treatment.

The most numerous group of the older mediaeval MSS is composed of exegetical works containing selections from Isidore. Of these, works on the NT or parts of it outnumber those on the OT (chiefly the Psalter) by almost two to one. Of Isidore's exegetical letters, and probably of all his letters, those most frequently found are the two on the three days in the tomb and the resurrection.¹⁷ Apart from these, Isidore generally cuts a small figure in the catenae, but this does not justify Bardenheuer's statement¹⁸ that all the citations of Isidore's works in the catenae come from the extant letters. Actually, not all the passages *attributed* to Isidore in the catenae are to be found in the extant letters, but the question of the attributions and, indeed, the whole question of the catenae citations generally should be made the object of a special study. (Similarly, a special study should deal with the sayings attributed to Isidore in the *Apophthegmata Patrum*, of which I have not reckoned the MSS among those containing Isidoreana.)

As the middle ages declined another type of MS containing Isidorean material increased in number until it formed at last the largest group of all. This is the patristic florilegium, of which there are three sorts as the material contained is arranged sometimes by author, sometimes

¹⁶ Répertoire des Bibliothèques, Paris, 1948 (Publs. de l'Inst. de recherche . . . des textes, I).

¹⁷ No. 114 of Bk. I and no. 212 of Bk. II in Migne, PG 78.

¹⁸ GAL IV.106, n.1.

by topic, and sometimes not at all. The third sort (in which a page of this author follows a page of that, without any perceptible order or reason) was most numerous at the time of the renaissance, and since it represents a compromise between tradition and free choice it probably indicates rather accurately the relative importance of Isidore to the copyists of that time. Unfortunately, the descriptions of the MSS are not full enough to make possible an accurate account of that importance, but two things can be said: Among the letters chosen most frequently is II.42 in which Isidore reports 'Libanius' praise of Chrysostom; ¹⁹ conspicuous by their rarity, on the other hand, are the letters of Christological content, which figured in the Monophysite controversy and the early Latin collections. In the 17th and 18th centuries these completely chaotic florilegia gave way to another type in which each author was represented by a considerable body of material. These new collections seem to have been intended to serve the double purpose of training in classical Greek and of recreation. Phalaris, Lucian, Julian the Apostate regularly appear in these along with Isidore, Chrysostom and the two Gregories. The combination clearly reflects the curious mentality of the Orthodox monasteries of the Turkish Empire.

In conclusion, notice should be taken of the question whether any works of Isidore other than his letters have been preserved. Jerusalem Saba 157, X c., attributes to Isidore a scholion on the rule of Basil — probably a selection from one of his letters, used as a scholion by the compiler of the MS. A collection of 'Questions and Answers' is attributed to Isidore in Monacensis gr. 270 and another in Zagora 115; some of the passages from Isidore cited in catenae are introduced with the words 'From the Questions and Answers.' The possibility that Isidore made such a collection, or that one was made from his works, is therefore not to be dismissed out of hand (as it was by I. Hardt), ²⁰ even though many of the questions and answers in the Munich collection may come from later authors. A Slavonic translation of a work by Isidore 'Concerning Faith' was reported by Philaret of Tschernikov to exist in the library of St. Sergius' monastery in Moscow. ²¹ The Syriac material has not yet been investigated.

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¹⁹ Libanius, ed. Foerster, XI.570.

²⁰ Cat. cod. MSS Bibl. Reg. Bavaricae, ad no. 270, fol. 154 v.

²¹ So D. Balanos, Isidoros ho Pel., Athens, 1922, p. 36.

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